

WM39/GG/85/08/23

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Dear Mr. Themelis:

Enclosed please find specific comments on the Draft Certification Plan for Uranium Mill Tailings Remedial Action Project Processing Sites. I agree with the proposed meeting in mid-September to review the content of the plan and to review the specific certification plan records for Canonsburg. After that working session, both NRC and DOE should have a better understanding of the kind of records and information which are available, as well as of what is truly needed to come to a determination of success for a remedial action.

Specifically addressing this plan, we have the following observations:

- o The overall plan is very preliminary in nature. An additional redraft and review by NRC, before going final, seems appropriate.
- o There is a need to expand on the types of information to be provided in the certification report. The specific comments enclosed were hampered by having to speculate on what was to be provided.
- o The plan should clarify and provide greater detail concerning NRC's role in concurrence with the certification.
- o No mention of vicinity properties is made. Since for the most part NRC concurrence in certification of completion of vicinity property cleanup is exercised with that of the processing/disposal site, DOE should address (or reference) vicinity property related procedures (see MOU §3.1.3 and §3.4).
- o The certification and licensing processes are sequential and should be kept separate. However, pre-licensing discussions and coordination can begin as early as necessary.

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- o As can be seen in the comments, some of the text in the plan appears to be contrary to the guidelines in the MOU and UMTRCA.

Should you have any questions regarding this transmittal, please contact me or G. Gnugnoli of my staff.

Sincerely,

Original signed by
Leo B. Higginbotham

Leo B. Higginbotham, Chief
Low-Level Waste and Uranium Recovery
Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure:
Specific Comments on the UMTRAP
Certification Plan

cc: J. Baublitz, DOE/HQ
D. Groelsema, DOE/HQ
L.C. Brazley, DOE/HQ
W.J. Arthur, DOE/AL

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SPECIFIC COMMENTS ON DOE DRAFT CERTIFICATION PLAN

1.1 PURPOSE

- o The second paragraph indicates that certification is part of the licensing process. These two "processes" are distinct, and this document should make that clear. The certification process ends when NRC concurs in the DOE determination that the remedial action is complete.
- o The chronological sequence under "LICENSING PROCESS" is incomplete. Steps such as the NRC concurrence in the RAIP, modifications in the RAP and design, and issuance of the completion report are omitted. Moreover this list should be entitled "PERFORMANCE OF REMEDIAL ACTION."
- o Although NRC expects to coordinate maintenance and surveillance and licensing prior to the completion stage, DOE should recognize that this is a result of expediency and not a requirement for certification.
- o The "necessary institutional controls" should be qualified as those needed in the performance of remedial action not as those comprising portions of the licensing stage.

1.2 CERTIFICATION POLICY AND METHODS

- o The first paragraph does not explain that NRC must eventually concur in design changes and remedial action procedures changes, even though the DOE may proceed with such changes at its own risk.
- o This section should recognize that NRC will also perform site visitations to observe whether the remedial action is being performed in accordance with the criteria specified in the most recently approved RAP and design.
- o It is unclear exactly what will be provided to NRC for concurrence in certification. The last paragraph is unclear in describing the various documents.

2.0 CERTIFICATION REPORT

- o The certification report should state that the discovery of any new information or data which could affect compliance with EPA standards would be handled by means of modification of the RAP. The NRC would then review the certification report in light of the chronology of NRC-concurred revisions, which would be included in the certification package submitted to NRC. Examples of this kind of information would include increased volumes of contaminated material, unexpected chemicals or the discovery of faults or fractures.

- o The certification report should include a chronological summary of modifications and other actions, as well as the NRC-concurred resolutions, which affect the status of the RAP and associated design from initial concurrence to the completion of remedial action. Such a summary would greatly expedite NRC review and concurrence in the certification. If construction initiates after only conditional concurrence from NRC, the chronology should start at that time.

2.1 DOE CERTIFICATION SUMMARY APPENDIX

- o Format is listed as being in Appendix A not in Appendix 1.
- o DOE's decision to provide a Certification Appendix whenever supplemental standards are applied is very beneficial.

2.2 SITE COMPLETION REPORT

- o It is not clear whether the TAC will review the report before DOE reviews and approves it.
- o It is essential that deviations from the RAP be documented and chronologized, along with the NRC concurrence for such changes.
- o It is implied that either DOE or NRC can authorize construction changes. It should be reworded that DOE authorizes construction changes with NRC concurrence.
- o It is not clear whether the outline in Appendix 2 refers to the completion report or a completion report summary.
- o It is suggested that although DOE acknowledges that the report is prepared by the RAC, it should be referred to as the DOE's Certification Report.

2.3.2 QUALITY ASSURANCE AUDIT REPORTS

- o It is not clear under which criteria the QA audits will be performed.
- o QA/QC procedures may be identified by NRC in order to ascertain compliance with EPA standards. The RAP would have to be revised accordingly and the subsequent implementations would need to be acknowledged and certified in the completion report.

2.3.3 RADIOLOGICAL AND CONSTRUCTION SURVEILLANCE REPORTS

- o The DOE-approved procedures used to conduct surveillances should be clearly specified and/or referenced. Copies of these should be made available, if not already done so. Specifically, if an updated revised version of the radiological surveillance procedures is available, please provide the NRC with two copies for information purposes. In any case, the public and involved agencies should have convenient access to these procedures.

- o The qualifications (minimum) for the quality inspector should be specified. Background and experience should include geotechnical engineering and surface water hydrology.
- o It is not clear what is meant by "appropriate" procedures and "sufficient" quality of analytical capabilities. Such unquantifiable adjectives should be replaced by citing references in DOE documents where appropriate, adequate, sufficient levels of performance and involvement are detailed.

2.3.4 SUMMARIES OF OTHER SURVEILLANCE REPORTS

- o Since UMTRCA Title I specifies NRC as having a concurrence role in this certification, the site visitation or audit role of NRC should be singled out. NRC would also expect all documentation relating to its role in concurrence with performance of remedial action to appear in the Final Audit Report and especially in the Site Completion Report.

3.0 CERTIFICATION PROCEDURES

- o It appears that DOE will determine whether the final design is significantly different from the SCD in the RAP. NRC will review the final design, which is provided by DOE to NRC for information only, and if NRC determines that there are discrepancies, NRC will inform the DOE that the remedial action is not being performed adequately. This was an issue during the MOU negotiations and has been resolved by omitting the word "significant" in describing modifications or changes.
- o DOE notification of the approximate times for NRC and State visitations during the progress of construction, especially at significant milestones, would be extremely useful. However UMTRCA Title I §103(d) and §105(a)(3) provide the NRC the right of entry at processing sites at any time. Although the NRC has every intention to coordinate any visits with the DOE, the Certification Plan should explicitly address this authority. This would highlight the independence of our site visitations as part of NRC implementation of concurrence in the remedial action.

FIGURE 1

- o The figure implies that the certification process begins with the approved design (by NRC?) and terminates with the licensing process. The certification process ends with NRC concurrence, not licensing which is separate. Furthermore, it is doubtful that the remedial action will take only four months, even on the average. This compromises the ten month estimate for the process duration.
- o NRC involvement in major changes, modifications and inspections is omitted. This involvement permits early resolution of issues in the remedial action process.

- o The figure should be changed to terminate in NRC concurrence, not licensing.
- o It is unclear why DOE(AL)/DOE(HQ) approval should take so long, given that DOE is so closely involved in the remedial action (2 months vs 1.5 months for NRC).

FIGURE 2

- o The bar charts indicate an independence between the remedial actions and the certification process, which is in conflict with Figure 1.
- o If DOE presents six certification reports to NRC simultaneously in 1990, it may not be possible to meet the MOU-stipulated response times.

APPENDIX 1

- o The Certification Statement should clearly define the implications of the signatures:
 - 1) DOE certifies that the remedial action as performed by the RAC and quality assured by the TAC complies with the EPA standards and the site conceptual and final designs with approved modifications.
 - 2) NRC concurs with DOE's determination to the best of its knowledge based on independent periodic visitations and review of documentation provided by the DOE.

APPENDIX 2

It would be helpful to include a paragraph for each appendix to Appendix 2 that describes its purpose, to clearly differentiate it from the other appendices. Further, a second paragraph should be supplied for each appendix, which describes the total content of the appendix in addition to the occasional examples provided in the draft.

III. Remedial Action Assessment

- o It is not clear what the term "actual" indicates under the "as found condition" heading. Does this imply that DOE will make a deliberate attempt to verify geologic, hydrologic and other subsurface characterizations during the remedial action? Or will DOE only update information which is discovered by happenstance (e.g., excavating an unsuspected concentration of contaminated material or an evidence of faulting)?
- o Reporting the actual geohydrologic, geochemical, stratigraphic, structural and geomorphic conditions encountered during the remedial action would be appropriate and helpful.
- o The methods used for cleanup verification should be amplified to include more than those for radiological verification. For example,

should DOE do any aquifer restoration, more than just photos of the monitoring or pumping wells should be included.

- o Descriptions of any deviations from the RAP should include resolutions in obtaining NRC concurrence.
- o Under the list "Summarize completed condition," a summary of geotechnical data (field densities, moisture contents, soil classifications, etc. ...) generated during remedial action should be included.

IV Certification Bases

- o It is not clear why the parenthetical qualification "from the RAC's point of view" is included in this section. It gives the impression that it may not be the TAC's or DOE's point of view as well.
- o Is it the RAC's or DOE's intention to limit the evidence only to radiological and geophysical? The type of evidence should be enlarged to make the certification determination.
- o This section, as written, provides an inadequate description as to what the certification will be based upon.

APPENDIX A DESIGN CRITERIA

- o What is meant by "end use requirements"? If this describes what possible resource development might occur after closure, it would most appropriately be dealt with in the licensing process.
- o This section should provide a rationale or procedure for determining how to identify specific criteria requiring such approval. For example, providing an alternate water supply is not on the list.

APPENDICES B-D

- o It is not clear who will be giving approval to changes in specifications, calculations or drawings. This should be specified, as well as recognizing that NRC concurrence is needed eventually.
- o There appears to be no limit on what "complete" might imply. If the information does end up being as voluminous as it sounds, DOE should prepare an introductory summary of each set of information (specifications, calculations and drawings). This would assist greatly in keeping response times manageable.

APPENDICES F, H, I, J

It appears that verification audits and site condition measurements appear to exclude nonradiological surveying. Will some other participant besides the RAC be doing any of these types of surveys or verifications?