Appendix B

NRC Technical Evaluation Reports

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 16, 1997

Mr. George Rael, Director
ERD/UMTRA
U.S. Department of Energy
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, NM 87185-5400

SUBJECT: FINAL COMPLETION REVIEW REPORT FOR THE MEXICAN HAT AND MONUMENT VALLEY URANIUM MILL TAILINGS REMEDIAL ACTION PROJECT SITES

Dear Mr. Rael:

The U.S. Nuclear Regulatory Commission staff has completed its review of the U.S. Department of Energy's (DOE's) Final Completion Report (April 16, 1997) and associated documents pertinent to the Uranium Mill Tailings Remedial Action Project inactive uranium mill tailings sites at Mexican Hat, Utah and Monument Valley, Arizona. These documents include Completion Report page changes transmitted on June 4, June 16, and July 29, 1997.

The NRC staff's review is documented in the enclosed final Completion Review Report (Enclosure 1), which discusses the staff's evaluation of the completed remedial action against the previously approved plans and specifications. Based on its review of the Completion Report, NRC staff concurs that DOE has performed remedial action at the sites in accordance with the approved plans and specifications, with the exception of the selection and performance of a groundwater cleanup program at the Monument Valley, Arizona site. DOE, with NRC approval, has deferred this aspect of the remedial action to a separate groundwater remedial action program. I have, therefore, signed and enclosed the DOE Certification Summary (Enclosure 2) signifying concurrence in completion of the Mexican Hat and Monument Valley remedial action (other than groundwater cleanup at the Monument Valley, Arizona site.)

If you have any questions concerning this subject letter or the enclosures, please contact the NRC Project Manager for the Mexican Hat and Monument Valley sites, Harold Lefevre, at (301) 415-6678.

Sincerely,

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

Enclosures: As stated

cc: S. Arp, DOE Alb
F. Bosiljevac, DOE Alb
E. Artiglia, TAC Alb

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ENCLOSURE 1

COMPLETION REVIEW REPORT

FOR THE

REMEDIAL ACTION

AT THE

MEXICAN HAT/MONUMENT VALLEY

URANIUM MILL TAILINGS
REMEDIAL ACTION PROJECT SITE

September 1997

DIVISION OF WASTE MANAGEMENT
U.S. NUCLEAR REGULATORY COMMISSION

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MEXICAN HAT/MONUMENT VALLEY UMTRA PROJECT SITE
COMPLETION REVIEW REPORT

INTRODUCTION

The sites near Mexican Hat, Utah, and Monument Valley, Arizona, were designated as two of the 24 abandoned uranium mill tailings sites to be remediated by the U.S. Department of Energy (DOE) under the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). UMTRCA requires, pursuant to Section 104(f)(1), that the U.S. Nuclear Regulatory Commission concur with the DOE's determination that the remedial action has been properly completed. This Completion Review Report (CRR) documents the NRC staff's basis for its concurrence decision with respect to DOE's Certification Summary for the completion of surface remediation at the Mexican Hat and Monument Valley sites.

1.0 BACKGROUND

1.1 UMTRCA

Title I of UMTRCA provides for remedial action at abandoned uranium mill tailings sites and associated vicinity properties. The purpose of this legislation is to protect the public health and safety and the environment from radiological and non-radiological hazards associated with the process related materials at these sites.

UMTRCA directs DOE to select and perform remedial actions at 24 abandoned uranium mill tailings sites to ensure compliance with the general environmental standards promulgated by the U.S. Environmental Protection Agency (EPA) under Section 275(a) of the Atomic Energy Act of 1954, as amended by UMTRCA. UMTRCA also requires DOE to obtain NRC's concurrence with DOE's selection and performance of the remedial actions. Following completion of the remedial actions, UMTRCA authorizes NRC to license the long-term custody, maintenance, and monitoring of the disposal sites to ensure continued protection of the public health and safety and the environment. Appendix B includes a more detailed discussion of this legislation.

1.2 CONCURRENCE PROCESS FOR THE SELECTION OF DOE'S REMEDIAL ACTIONS

To document its selection of the remedial action to be implemented at a particular site, DOE develops and issues a Remedial Action Plan (RAP) under its Uranium Mill Tailings Remedial Action (UMTRA) Project. The RAP describes the series of activities and presents the design proposed by DOE to provide for the long-term protection of the public and the environment. Usually this involves cleanup of the processing site, adjacent windblown areas, and vicinity properties in addition to stabilization of the residual radioactive materials. In addition, DOE issues a Remedial Action Inspection Plan (RAIP), which establishes the quality control program of testing and inspection that will be employed for the remedial action. In accordance with UMTRCA Section 108(a)(1), the NRC staff reviews and concurs with the RAP and the RAIP, and any subsequent modifications. By its concurrence in the remedial action selection, the

NRC staff concludes that the planned remedial actions will comply with EPA's applicable standards in 40 CFR 192, Subparts A, B, and C. The basis for the concurrence in DOE's selection of remedial action is documented in a Technical Evaluation Report (TER).

1.3 CONCURRENCE PROCESS FOR THE PERFORMANCE OF DOE'S REMEDIAL ACTIONS

The remedial action work is performed by DOE contractors under Federal procurement regulations. During construction, DOE inspects and documents activities in accordance with the UMTRA Project Quality Assurance Plan, the RAIP, and the RAP. In addition, the NRC staff conducts independent inspections during construction, as determined necessary.

Upon completion of the remedial action, DOE compiles construction records and prepares a completion report to document that remedial actions were performed in accordance with the RAP or RAP modifications, and the RAIP. Based on this information, DOE certifies that all provisions of the RAP have been satisfied and, therefore, that the remedial actions comply with the applicable EPA standards in 40 CFR 192.

Based on its review of DOE's documentation, and on its site visits and observations, NRC makes a concurrence decision with regard to DOE's remedial action completion determination for each site, and then documents the basis for this concurrence decision in the Completion Review Report (CRR). By its concurrence in the remedial action performance, the NRC staff concludes that the remedial action has been completed in accordance with the NRC approved design. NRC's concurrence with DOE's completion determination fulfills the Commission's responsibility under UMTRCA Section 104(f)(1).

1.4 MEXICAN HAT/MONUMENT VALLEY SITES

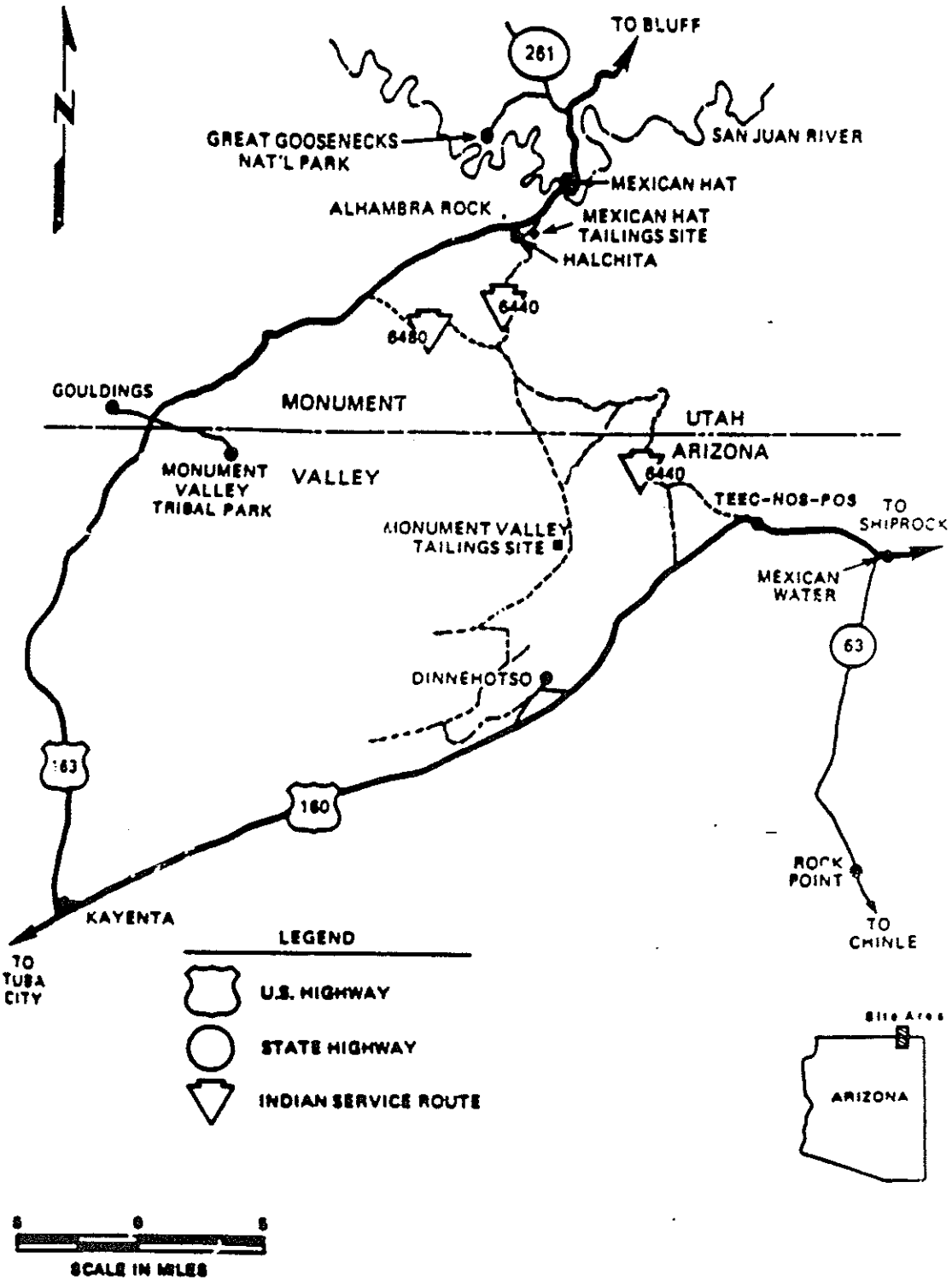
The principal feature of the remedial action is co-disposal and stabilization of the Mexican Hat and Monument Valley contaminated materials at the Mexican Hat disposal site.

Monument Valley Site

The Monument Valley site is a 100-acre property located on the Navajo Reservation in Arizona, 17 road miles south of the Mexican Hat disposal site (Figure 1.1). The tailings are on the west side of Cane Valley. The mill at the Monument Valley site was operated from 1955 to 1968 by Vanadium Corporation of America and its successor, Foote Mineral Company. According to the Completion Report (CR), the pre-remediated site consisted of two tailings piles covering approximately 28 acres and containing approximately 928,000 cubic yards of tailings; concrete building foundations; and debris.

During 1993 through early 1994, the Monument Valley contaminated materials were excavated and hauled to the Mexican Hat site for placement on the disposal cell, and the Monument Valley site was backfilled, graded to drain, and vegetated.

FIGURE 1.1
LOCATION OF THE MONUMENT VALLEY AND MEXICAN HAT SITES



1.5 COMPLETION REVIEW REPORT ORGANIZATION

The purpose of this CRR is to document the NRC staff review of DOE's Mexican Hat/Monument Valley Completion Report (CR) (DOE, 1997). Section 2 of this report presents the analysis of remedial action construction. This section is organized by technical discipline and addresses engineering and radiation protection aspects of the remedial action. Appendix A provides a listing of NRC staff visits to the Mexican Hat and Monument Valley sites. Appendix B provides a detailed description of the requirements of UMTRCA and the resulting phased process of the UMTRA project.

2.0 ANALYSIS OF DOE REMEDIAL ACTION PERFORMANCE

2.1 PREVIOUS ACTIONS

NRC staff, based on its review of the RAP (DOE, 1993a-f), and the RAIP (MK-F, 1994) concurred that the remedial action, as designed, would meet the applicable EPA standards. This concurrence was based on technical findings that there is reasonable assurance that the selection of the remedial action would meet the standards for long-term stability, radon attenuation, water resources protection, and cleanup of contaminated land and buildings.

Staff reviews included assessments in the areas of geology, geotechnical engineering, surface water hydrology, and health physics. The NRC concurred on the final RAP and the RAIP on February 27, 1996. The basis for the NRC staff's concurrence in DOE's selection of remedial action at the Mexican Hat and Monument Valley sites is documented in a Technical Evaluation Report (TER) issued in February 1996 (NRC, 1996).

2.2 REVIEW OF REMEDIAL ACTION PERFORMANCE

NRC staff's primary objective in reviewing DOE's certification of remedial action completion is to determine whether the remedial actions have been performed in a manner consistent with specifications provided in the RAP, RAP modifications or PIDs, and the RAIP, and if not, that deviations to these specifications still result in compliance with the EPA standards. In support of this action, the NRC staff participated in site reviews (See Appendix A), field observations, assessments of on-site data and records, and review of DOE Site Audit Reports. During remedial action construction activities, there were conditions encountered which required modifications of the original remedial action plan. These conditions and the associated design changes were submitted by DOE as five Class I PIDs, i.e., those related to meeting the EPA standards, and were concurred in by the NRC staff. These PID's are listed in the Executive Summary of Volume 1 of the CR and are reflected in the as-built conditions presented in the CR.

The following sections present the results of the review of remedial action performance by individual technical discipline. Note that for the Mexican Hat/Monument Valley remedial action completion review, the pertinent technical disciplines are: 1) geotechnical engineering, 2) surface water hydrology and erosion protection, 3) radiation protection, and 4) water resources protection.

2.2.3 Radiation Cleanup and Control

The NRC staff reviewed radiation cleanup aspects of remedial actions at the Mexican Hat, Utah and Monument Valley, Arizona sites to ensure that residual radioactive materials were cleaned up in accordance with specifications in the RAP and the final design. The remedial action involved the consolidation of contaminated materials from the Mexican Hat site into a single pile on site with contaminated materials from the Monument Valley site relocated and placed on top of the Mexican Hat materials. Areas of review included contaminated material excavation, cleanup verification procedures and data, and application of supplemental standards. In addition, the construction data for the disposal cell cover were reviewed to ensure compliance with the RAP design for limiting radon releases (see Section 2.2.1), and the final radon attenuation calculation was reviewed to ensure compliance with the long-term radon flux standard in 40 CFR 192.02. The review was based primarily on the staff's assessment of information presented in the DOE Mexican Hat/Monument Valley Completion Report (CR).

The criteria for site cleanup and radon attenuation design were established in the RAP and concurred in by NRC staff as providing assurance that the processing site and disposal cell would meet the EPA requirements of 40 CFR Part 192. The criterion for soil radium (Ra-226) requires cleanup at the processing site and on adjacent lands (EPA standards, 40 CFR 192.12) such that the average Ra-226 and Ra-228 levels above background in each 100-m^2 area do not exceed either 5 pCi/g in the top 15 cm of soil, or 15 pCi/g in any underlying 15-cm layer. The RAP also established a supplemental cleanup standard which requires that thorium (Th-230) be excavated such that the bulk (corrected for percent cobbles) 1000-year Ra-226 concentrations from present levels of Ra-226 and Th-230 meet the Ra-226 cleanup limits.

Two buildings remained on the Mexican Hat processing site. DOE indicated that the buildings did not require cleanup so cleanup criteria were not specified in the RAP.

The RAP final radon attenuation (barrier) design was based on construction of a compacted clayey (10 percent bentonite by weight) soil radon barrier 2 feet thick. The NRC staff in its TER evaluation of the RAP stated that measurements made during construction of the cell should be incorporated into the final flux analysis in the CR. A radon flux calculation was provided in the CR incorporating some final test data, as discussed below.

During the review, with respect to the above criteria and commitments, NRC staff noted the following:

1. Soil Cleanup: Appendix J of the CR indicates that all tailings contaminated areas on the Mexican Hat and Monument Valley sites were cleaned according to DOE UMTRA Project procedures.

2. Cleanup Verification: The CR indicates that standard DOE UMTRA Project procedures for soil verification were appropriately applied at the two sites, and the quality control program complied with plan criteria. The data indicate that all soil samples and areas scanned by the RTRAK or hand-held gamma detectors met the EPA soil Ra-226 standards. Measurements for Th-230 were conducted and the estimated 1000-year Ra-226 concentrations from present levels of Ra-226 and Th-230 were less than or equal to the radon standard. The CR indicates that by cleaning up Th-232 at the Mexican

Hat site to the appropriate criteria, Ra-228 would also be remediated. The data indicate that measurements for Th-232, as a surrogate for Ra-228, were done at the Mexican Hat site and met the 5 pCi/g criterion at any depth. No Th-232 measurements were done at the Monument Valley site because site characterization data indicated that there were no elevated levels of Th-232 at the site.

Appendix J of the CR states that the shop building had some elevated surface activity, but the activity met the NRC one square meter average limit. The data provided indicates that the building does meet all release criteria. Also, the CR indicates that the other building (former clinic) was assessed as part of a vicinity property inclusion survey and did not require remediation.

3. Radon Flux: Long-term radon flux estimates for the Mexican Hat disposal cell cover were provided in CR calculation 9-421-05-01. The radon flux model utilized average measured Ra-226 and emanation fraction values for as-placed contaminated materials, sampled at 20 locations on the cell.

   Th-230 was also measured, but the resulting 1000-year Ra-226 values were not used in the calculation because the influence would not be significant. Although, measured values for some of the radon barrier parameters were not obtained to replace earlier estimates and the modeled thickness of some of the contaminated material may not be conservative, the NRC staff considers the over-all DOE radon model conservative. The DOE calculation resulted in an average long-term radon flux of 12.8 pCi/m^{2}s from the top of the radon barrier.

   Radon flux measurements were performed on the radon barrier and averaged 0.05 pCi/m^{2}s. Based on this information and the findings discussed under Sections 2.2.1 and 2.2.2 of this CRR that the integrity of the radon barrier will not be significantly degraded for the design life of the cell, NRC staff concludes that there is adequate assurance that the long-term radon flux standard of 20 pCi/m^{2}s will be met.

Based on the above evaluations, the NRC staff concludes that commitments and requirements stated in the RAP were fulfilled and that data in the CR provides assurance that the soil cleanup and disposal cell cover radon control standards have been met at the Mexican Hat and Monument Valley sites.

2.2.4 Water Resources Protection Review Results

The NRC staff reviewed the construction activities conducted during the performance of remedial actions that relate to ground-water resource protection. During its review, the NRC staff noted the following:

1. No as-built drawings for well abandonment were included in the Completion Report for the Mexican Hat or Monument Valley sites, however two photographs showed well abandonment activities proceeding at the Mexican Hat site in 1988. No schedules or specifications for well abandonment for either site were included in the RAP (DOE, 1993). Discussion with the DOE project manager indicated that well abandonment was performed in 1988, as part of a previous DOE remedial action and was not specified as a part of this RAP. Some wells remain at both the Mexican Hat and Monument Valley sites and will be used or abandoned as part of the groundwater restoration program.

Based on the above discussion with the DOE project manager and results of NRC onsite inspections, the NRC staff concludes that the ground-water protection aspects of the remedial action were completed in accordance with the design and procedures identified in the RAP, and the RAIP.

3.0 SUMMARY

NRC staff reviewed geotechnical engineering, surface water hydrology and erosion protection, radiation protection, and water resources protection aspects of the remedial action performed at the Mexican Hat and Monument Valley uranium mill tailings sites. The purpose of this review was to determine whether DOE had performed remedial actions at the site in accordance with specifications in the RAP, RAP modifications, and other supporting project documents, and thus with the EPA standards in 40 CFR Part 192, Subparts A-C. Based on its review of the Final CR and on observations made during periodic on-site construction visits, the NRC staff concludes that DOE performed remedial action at the Mexican Hat and Monument Valley sites in accordance with the EPA standards. Therefore, NRC concurs with DOE's certification of completion of the Mexican Hat/Monument Valley remedial action.

4.0 REFERENCES

U.S. Department of Energy (DOE), Washington, D.C.

---, "Final Remedial Action Plan for Co-Disposal and Stabilization of Monument Valley and Mexican Hat Uranium Mill Tailings at Mexican Hat, Utah" and Appendices A-F, February 1993.

---, "Draft Completion Report, Mexican Hat/Monument Valley," Volumes 1-6A, November 1995.

---, "Final Audit Report of Remedial Action Construction at the UMTRA Project Mexican Hat, UT/Monument Valley, AZ Sites," November 1995.

---, "Final Completion Report, Mexican Hat/Monument Valley," Volumes 1-6A, April 1997, and page changes (June 4, 1997, June 16, 1997, and July 29, 1997).

MK-Ferguson, "Remedial Action Inspection Plan, Mexican Hat/Monument Valley Uranium Mill Tailings Sites," September 1994.

U.S. Nuclear Regulatory Commission, Washington, D.C., "Final Technical Evaluation Report for the Proposed Remedial Action Plan for the Co-Disposal of the Monument Valley and Mexican Hat Contaminated Materials at the Mexican Hat Tailings Site, Utah," February 1996.

---, Division of Low-Level Waste Management and Decommissioning, "NRC Staff Technical Position on Testing and Inspection Plans During Construction of DOE's Remedial Action at Inactive Uranium Mill Tailings Sites," January 1989.

APPENDIX A

NRC SITE VISITS TO THE

MEXICAN HAT AND MONUMENT VALLEY UMTRA PROJECT SITES

DATE	STAFF/DISCIPLINE	PURPOSE
4/21/92	M. Layton/hydrology T. Johnson/surface hydrology D. Rom/geotech. engineering E. Brummett/rad. protection M. Hague/project management	Site visit at Monument Valley and Mexican Hat.
11/5/92	T. Johnson/surface hydrology A. Mullins/geology M. Hague/project management	Discuss erosion protection design at Mexican Hat.
9/2/93	D. Rom/geotech. engineering	Construction progress review at Mexican Hat and Monument Valley.
10/27/93	D. Rom/geotech. engineering T. Johnson/surface hydrology	Construction progress review and discuss erosion protection design at Mexican Hat.
5/18/94	D. Rom/geotech. engineering T. Johnson/surface hydrology R. Carlson/project management	Construction progress review and discuss rock durability issues at Mexican Hat. Site visit of Monument Valley.
5/6/96	M. Layton/hydrology H. Lefevre/project management	Observe reclaimed Monument Valley processing site; and observe completed disposal cell and existing seeps at Mexican Hat.
2/25/97	T. Johnson/surface hydrology	Observe erosion protection at completed Mexican Hat disposal site.

APPENDIX B
UMTRCA, THE EPA STANDARDS, AND THE PHASED UMTRA PROJECT

Title I of the Uranium Mill Tailings Radiation Control Act (UMTRCA) defines the statutory authority and roles of the DOE, the NRC, and the EPA with regard to the remedial action program for inactive uranium mill tailings sites.

The Standards

UMTRCA charged the EPA with the responsibility for promulgating remedial action standards for inactive uranium mill sites. The purpose of these standards is to protect the public health and safety and the environment from radiological and non-radiological hazards associated with radioactive materials at the sites. UMTRCA required that EPA promulgate these standards by no later than October 1, 1982. After October 1, 1982, if the EPA had not promulgated standards in final form, DOE was to comply with the standards proposed by EPA under Title I of UMTRCA until such time as the EPA had promulgated its standards in final form.

The final EPA standards were promulgated with an effective date of March 7, 1983 (48 FR 602; January 5, 1983); see 40 CFR Part 192 - Standards for Remedial Actions at Inactive Uranium Processing Sites, Subparts A, B, and C. These regulations may be summarized as follows:

1. The disposal site shall be designed to control the tailings and other residual radioactive materials for up to 1000 years, to the extent reasonably achievable, and, in any case, for at least 200 years [40 CFR 192.02(a)].

2. The disposal site design shall provide reasonable assurance that radon-222 from residual radioactive material to the atmosphere will not exceed an average release rate of 20 picocuries per square meter per second, or will not increase the annual average concentration of radon-222 in air, at or above any location outside the disposal site, by more than one-half picocurie per liter [40 CFR 192.02(b)].

3. The remedial action shall be conducted so as to provide reasonable assurance that, as a result of residual radioactive materials from any designated processing site, the concentrations of radium-226 in land averaged over any area of 100 square meters shall not exceed the background level by more than 5 picocuries/gram averaged over the first 15 centimeters of soil below the surface and 15 picocuries/gram averaged over 15 centimeter thick layers of soil more than 15 centimeters below the surface [40 CFR 192.12(a)].

4. The objective of remedial action involving buildings shall be, and reasonable effort shall be made to achieve, an annual average (or equivalent) radon decay product concentration (including background) not to exceed 0.02 WL, and the level of gamma radiation shall not exceed the background level by more than 20 micro roentgens per hour [40 CFR 192.12(b)].

5. The portion of the EPA standards dealing with groundwater requirements, 40 CFR 192.20(a)(2)-(3) were remanded by the Tenth Circuit Court of Appeals on September 3, 1985. Based on this court decision, EPA was directed to promulgate new groundwater standards. EPA proposed these standards in the form of revisions to Subparts A-C of 40 CFR Part 192 in September 1987, and the final groundwater standards were promulgated January 11, 1995.

Before the groundwater standards were final, as mandated by Section 108(a)(3) of UMTRCA, the remedial action at the inactive uranium processing sites were to comply with EPA's proposed standards until such time as the final standards are promulgated. DOE performed remedial action at the inactive processing sites in accordance with NRC's concurrence with the remedial action approach based on the proposed EPA groundwater standards (52 FR 36000; September 24, 1987). Delaying implementation of the remedial action program would be inconsistent with Congress' intent of timely completion of the program. Modifications of disposal sites after completion of the remedial action to comply with EPA's final groundwater protection standards may be unnecessarily complicated and expensive and may not yield commensurate benefits in terms of human and environmental protection. Therefore, the Commission believes that sites where remedial action has been essentially completed prior to EPA's promulgation of final groundwater standards, will not be impacted by the final groundwater standards promulgated January 11, 1995. Although additional effort may be appropriate to assess and clean up contaminated groundwater at these sites, the existing designs of the disposal sites should be considered sufficient to provide long-term protection against future groundwater contamination. NRC does not view UMTRCA as requiring the reopening of those sites that have been substantially completed when NRC concurred with the selection of remedial action in accordance with applicable EPA standards, proposed or otherwise in place at the time such NRC concurrence was given.

DOE Selection (Design) Phase

For each site, UMTRCA requires that DOE select a plan of remedial action that will satisfy the EPA standards and other applicable laws and regulations, and with which the NRC will concur. For each site, this phase includes preparation by DOE of an Environmental Assessment or an Environmental Impact Statement, and a Remedial Action Plan (RAP). The RAP is structured to provide a comprehensive understanding of the remedial actions proposed at that site and contains specific design and construction requirements. To complete the first phase, NRC and the appropriate State or Indian tribe will review the RAP and then concur that the RAP will meet the EPA standards.

The Performance (Construction) Phase

In this phase the actual remedial action (which includes decontamination, decommissioning, and reclamation) at the site is done in accordance with the RAP. The NRC and the State/Indian tribe, as applicable, must concur in any changes to the concurred-in plan that arise during construction. At the completion of remedial action activities at the site, NRC concurs in DOE's determination that the activities at the site have been completed in accordance with the approved plan. Prior to licensing (the next phase), title to the disposed tailings and contaminated materials must be transferred to the United States and the land upon which they are disposed of must be in Federal custody to provide for long-term Federal control. Disposal sites on Indian land will remain in the beneficial ownership of the Indian tribe.

NRC concurrence in the DOE determination that remedial action at a processing site has been accomplished in accordance with the approved plan may be accomplished in two steps where residual radioactive material is not being moved from the processing site to a different disposal site. The Uranium Mill Tailings Remedial Action Amendments Act of 1988 allows for a two-step approach for Title I disposal sites. The Amendments Act will allow DOE to do all remedial actions, other than groundwater restoration, for the first step of closure and licensing. The second step, which can go on for many years, will deal with existing groundwater restoration. When groundwater restoration is completed, the Long-Term Surveillance Plan required under

the licensing phase will be appropriately amended. For sites that are being moved, licensing will occur in one step. There is no groundwater restoration at the disposal site and the processing site will not be licensed after completion of remedial action.

The Licensing Phase

Title I of UMTRCA further requires that, upon completion of the remedial action program by DOE, the permanent disposal sites be cared for by the DOE or other Federal agency designated by the President, under a license issued by the Commission. DOE will receive a general license under 10 CFR Part 40.27 following: (1) NRC concurrence in the DOE determination that the disposal site has been properly reclaimed, and (2) the formal receipt by NRC of an acceptable Long-Term Surveillance Plan (LTSP). NRC concurrence with DOE's performance of the remedial action indicates that DOE has demonstrated that the remedial action complies with the provisions of the EPA standards in 40 CFR part 192, Subparts A, B, and C. This NRC concurrence may be completed in two steps as discussed above. There is no termination date for the general license.

Public involvement has been and will continue to be provided through DOE's overall remedial action program for Title I sites. The local public will have an opportunity to comment on the remedial action or closure plans proposed and implemented by DOE and to raise concerns regarding final stabilization and the degree of protection achieved. NRC fully endorses State/Indian tribe and public input in all stages of the program. At the time the LTSP is submitted, the NRC will consider the need for a public meeting in response to requests and public concerns.

The Surveillance and Monitoring Phase

In this phase, DOE and NRC periodically inspect the disposal site to ensure its integrity. The LTSP will require the DOE to make repairs, if needed.

One of the requirements in the EPA standards is that control of the tailings should be designed to be effective for up to 1000 years without active maintenance. Although the design of the stabilized pile is such that reliance on active maintenance should be minimized or eliminated, the NRC license will require emergency repairs as necessary. In the event that significant repairs are necessary, a determination will be made on a site specific basis regarding the need for additional National Environmental Policy Act actions, and health and safety considerations based on 10 CFR Parts 19, 20, and 21.

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