

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

September 29, 1998

SUBJECT: ACCEPTANCE OF COMPLETION REPORT FOR RIFLE, COLORADO, VICINITY
PROPERTY RF-480

Dear Mr. Rael:

On August 6, 1998, the U.S. Department of Energy (DOE) provided responses to the U.S. Nuclear Regulatory Commission (NRC) staff's concerns related to the application of supplemental standards at the Rifle, Colorado, Vicinity Property RF-480, accompanied by the associated revised pages for the RF-480 Vicinity Property Completion Report (CR). Based on the information provided by DOE, the NRC staff considers the concerns related to the proposed supplemental standards to be resolved and the application to be appropriate. The NRC staff's review of DOE's resolution of final concerns related to RF-480 supplemental standards is enclosed (Enclosure 1).

Concurrence by the NRC on this VP CR is required because special circumstances resulted in supplemental standards being invoked during remedial action. The NRC staff concludes that the information provided by DOE in the RF-480 CR provides reasonable assurance that supplemental standards for soil cleanup have been properly applied. Therefore, the NRC staff concurs that the use of supplemental standards and the remediation of the vicinity property were completed in accordance with the Environmental Protection Agency standards. The signed *NRC Review Form for Supplemental Certification of Vicinity Properties*, showing NRC concurrence for VP RF-480, is enclosed (Enclosure 2).

If you have any questions concerning this letter or the enclosure, please contact the NRC Project Manager, Janet Lambert, at (301) 415-6710.

Sincerely,

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

Enclosures: As stated

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

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*SEE PREVIOUS CONCURRENCE

98-146

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OFC	URB*	E	URB*	E	URB	N		
NAME	JLambert	9/29/98	DGillen		JHolonich			
DATE	09/25/98		09/28/98		09/29/98			

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E. Artiglia, TAC Alb

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DOCUMENT NAME: S:\DWM\URBWAL480.wpd

OFC	URB	H	URB	E	URB			
NAME	JLambert		DGillen		JHolonich			
DATE	09/15/98		09/28/98	H	09/ /98			



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20535-0001

September 29, 1998

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If you have any questions concerning this letter or the enclosure, please contact the NRC Project Manager, Janet Lambert, at (301) 415-6710.

Sincerely,

A handwritten signature in cursive script, reading "Joseph J. Holonich", is positioned above the typed name.

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

Enclosures: As stated

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

U. S. NUCLEAR REGULATORY COMMISSION STAFF REVIEW OF REVISED COMPLETION REPORT FOR RIFLE VICINITY PROPERTY RF-480

The U.S. Nuclear Regulatory Commission (NRC) staff reviewed the Vicinity Property Completion Report (VP CR) for the Rifle Vicinity Property RF-480 (MK-F 1997) and provided comments to the Department of Energy (DOE) on three significant issues in March of 1998. Those comments were addressed by the DOE and its contractor by revising the VP CR and by providing responses to the NRC staff comments. The NRC staff have also reviewed the revised VP submitted to NRC.

The VP CR describes the remedial actions (radiological cleanup) and verification activities performed at the VP RF-480. This VP is the railroad right-of-way along the south side of the Old Rifle processing site. The VP is between the Old Rifle site and the Colorado River.

Per a pre-remediation agreement, supplemental standards were applied to residual radioactive material left in place along and under the railroad tracks. No remediation was performed within 15 feet of the centerline of the main tracks and the railroad track and ties were not replaced. These conditions, including the application of supplemental standards, were pre-approved by the Denver and Rio Grand Western Railroad Company, the State of Colorado, the DOE, and the NRC via their concurrence with the remedial action plan (RAP) for the Rifle Site. After completion of the RAP, other areas on the site were identified that also required the application of supplemental standards. It was necessary for DOE to apply supplemental standards to the areas around the bases of eleven utility poles which support railroad operations, and also to several critical areas around an MCI fiber optic telecommunications line that was buried within the railroad right-of-way north of the main tracks after the RAP was approved. All of the applications of supplemental standards including justifications and radiological conditions remaining at the site were discussed in Appendix B, of the VP CR.

Because the reason for the NRC's review of this VP CR is that the supplemental standards were used at the VP, the NRC staff review has been limited to areas related to the use of the supplemental standards for the VP.

The present review is concerned only with the resolution of the three issues on the use of the supplemental standards that were identified in the NRC staff's previous review. The following discussion of these issues presents, for each issue, a summary of the NRC staff's previous comments, discussion of the DOE revisions and response to comments, and the NRC staff conclusion.

COMMENT 1, DESCRIPTION OF REMAINING CONTAMINATED MATERIAL

Summary of previous NRC comment

The DOE must revise the text and/or drawings to clarify the location of the fiber optic cable and the contamination remaining around it, and to clarify the extent of contamination under and next to the railroad tracks.

ENCLOSURE 1

Discussion

The DOE provided a new drawing, RF-480-032, to assist in clarifying the spatial relationships of the railroad tracks, the MCI optic cable, the utility poles, and the contamination left in place in the railroad right of way. DOE indicated that it should be inserted into the VP CR directly behind Drawing RF-48--031. Additionally DOE stressed the new drawing should be viewed in conjunction with the existing drawings and the 32 field generated cross-sections of the railroad right of way, showing the general cross-sectional location of the contaminated material left in place, which may be found in Appendix A of the VP CR.

NRC Staff Conclusion

Based on the addition of the new drawing, the areas of remaining contamination associated with the MCI cable and the utility poles have been clarified satisfactorily and there is no longer a discrepancy between the narrative and the drawings. The NRC staff conclude that the response to the NRC comment and the revisions to the VP CR are acceptable.

COMMENT 2, APPLICABILITY OF CRITERION(a) OF 40 CFR 192.21**Summary of previous NRC comment**

DOE should determine which criteria of 40 CFR 192.21 apply to the contamination remaining on the VP, and must provide sufficient justification for those criteria that do apply. DOE may wish to reconsider the applicability of criterion (a) of 192.21. That is, justification for this criterion may not be feasible or appropriate; if not, this criterion could be eliminated from consideration.

Discussion

The DOE re-evaluated the applicability of 40 CFR 192.21(a) criterion and amended Appendix B to delete criterion (a) from consideration for the application of the supplemental standards to this VP.

NRC Staff Conclusion

Based on the page changes to Appendix B removing criterion (a) from consideration of the VP CR, and the response to the NRC comment is acceptable.

COMMENT 3, JUSTIFICATION FOR APPLICABILITY OF CRITERION (C) OF 40 CFR 192.21**Summary of previous NRC comment**

The DOE should add discussion to Appendix B of the VP CR to make conclusions, as appropriate, about the cost of complete remediation versus the benefits.

Discussion

The DOE provided two letters with additional information regarding the costs of complete remediation that pertains to MCI's estimated cost of up to \$6,000,000.00 per hour as long as the cable was out of service either during the remediation activities or in the event that the cable was damaged. DOE also provided information indicating that the sub-contractor tried, but could not

find, an insurance provider willing to extend such coverage in case of damage to the fiber optic cable. DOE added this information to Appendix B of the VP CR. DOE also provided additional discussion in Sections B.4.1 and B.5 to address the consideration of costs and benefits for the remediation of these newer areas where supplemental standards were applied, along with the other areas of supplemental standards.

NRC Staff Conclusion

With the additional information, the DOE has strengthened the case that the cost of total remediation of RF-VP 480 would be unreasonably high compared to the limited benefit of reducing exposures. NRC staff conclude that the revisions to the VP CR, with further information added to Appendix B and Sections B.4.1 and B.5 3.1.3, and the response to the NRC comment is acceptable.

NRC STAFF OVERALL CONCLUSION

The NRC staff concludes that the revisions to the VP CR and the responses to NRC's comments are adequate, and the three issues discussed here should be considered closed. The staff thus also concludes that the information provided by the DOE and its contractor in the VP CR and other documents provides reasonable assurance that remediation of this VP and the use of supplemental standards were completed in accordance with EPA standards.

REFERENCES

DOE (U.S. Department of Energy) Letter to J. J. Holonich, Chief, Uranium Recovery Branch, Division of Waste Management, Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, dated August 6, 1998, with enclosed changes to the Rifle, Colorado, UMTRA project site VP RF-480S completion report. U.S. Department of Energy, Albuquerque Operations Office, Environmental Restoration Division, Uranium Mill Tailings Remedial Action Team, Albuquerque, New Mexico.

NRC (U.S. Nuclear Regulatory Commission) Letter to G. Rael, Director, U.S. Department of Energy, Albuquerque Operations Office, Environmental Restoration Division, Uranium Mill Tailings Remedial Action Team, Albuquerque, New Mexico, dated March 6, 1998, review of completion report for Rifle, Colorado, Vicinity Property RF-480. J. J. Holonich, Chief, Uranium Recovery Branch, Division of Waste Management, Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC.

MK-F (MK-Ferguson Company and Rust Federal Services, Inc.). 1997. *Vicinity Property Completion Report at RF-480, Railroad Right-of Way South of the Old Rifle Site, Rifle, CO.* May 28, 1997.

ENCLOSURE 2

**NRC Review Form
for Supplemental Certification
of Vicinity Properties**

The Department of Energy (DOE) has determined that the remedial action at the following vicinity property (VP) has been completed and thereby complies with supplemental standards invoked by DOE under 40 CFR, Subpart C, specifically Subsections 192.21 and 192.22.

- ☐ NRC concurrence for the Radiological Engineering Assessment (REA) was requested on: _____
- ☒ Supplemental standards were not in the REA, special circumstances required that supplemental standards be invoked during remedial action.

Frank D. Bosiljevac 8/5/98
Frank D. Bosiljevac, DOE Certification Officer Date

=====

Based on the information and certification provided by the DOE, the NRC:

- ☒ Concurs that the remedial action at the subject VP has been completed under its authority provided by the Uranium Mill Tailings Radiation Control Act (UMTRCA), Section 104 (f)(1) and as described in the Memorandum of Understanding (MOU), Appendix A, Section 3.4.

- ☐ Concurs, as above, except for the following conditions:

1. _____
2. _____
3. _____

- ☐ See attached sheets for any additional provisions.

- ☐ Needs additional information to make a concurrence decision. This information consists of:

- ☐ See attached sheets for any additional informational needs.

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

Sept 22 1998
Date