



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

August 16, 2018

Mr. Mark Kautsky, Site Manager
U.S. Department of Energy
Office of Legacy Management
2597 Legacy Way
Grand Junction, CO 81503

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION RESPONSE TO THE U.S.
DEPARTMENT OF ENERGY LETTER DATED JULY 6, 2018, REGARDING
THE GROUNDWATER COMPLIANCE ACTION PLAN FOR THE TUBA CITY,
ARIZONA SITE

Dear Mr. Kautsky:

I am writing in response to your letter, dated July 6, 2018, providing the U.S. Department of Energy's (DOE's) explanation for the apparent discrepancies between the contaminants listed in the Groundwater Compliance Action Plan (GCAP) for the Tuba City, Arizona site and those that are currently being sampled by DOE (Agencywide Documents Access and Management System (ADAMS) Accession Number ML18192C012).

Your letter states that the GCAP contemplates cessation of the analysis for contaminants if they are not increasing and after consultation with concerned parties. Your letter further states that the concentrations for cadmium and chromium had been low in the past and that the concentrations for tin and zinc had been low and had been decreasing before sampling was discontinued. However, DOE could not find documentation where the NRC was consulted before the sampling for cadmium, chromium, tin and zinc was discontinued.

Your letter also provides a rationale for cessation of sampling the additional contaminants in the groundwater that DOE has, or is, currently sampling that were not included in the GCAP. Specifically, either the contaminant has not shown a persistent exceedance of a Uranium Mill Tailings Radiation Control Act (UMTRCA) standard or it does not have an UMTRCA standard, and/or the concentration of the contaminant does not pose a potential risk to human health or the environment.

Finally, your letter requests the NRC staff's concurrence on deleting arsenic, cadmium, chromium, silica, tin, vanadium, and zinc from the list of contaminants that will be sampled in the future and states "With NRC's concurrence, the cooperating agencies representing the Navajo and Hopi stakeholders will be informed of these proposed changes in the analytical suite." However, pursuant to the GCAP, if you have not already contacted the Navajo and Hopi stakeholders and consulted with them on your proposed changes to the GCAP, you should do so before revising the GCAP. We believe that it is important to obtain the Navajo and Hopi stakeholder's insights on the proposed GCAP changes before the GCAP is revised. The staff has reviewed your request, and the rationale for changing the sampling of the contaminants, and has no objections to sampling the contaminants as discussed in your letter,

provided the Navajo and Hopi stakeholders are consulted before the GCAP is revised. Please provide the GCAP when you have consulted with the Navajo and Hopi stakeholders and made the proposed revisions.

In accordance with 10 Code of Federal Regulations 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 please contact me at (301) 415-6749 or via email at Dominick.Orlando@nrc.gov.

Sincerely,
/RA/

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

Docket No. WM-00073

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