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

JAN 11 1994

Albert R. Chernoff, Project Manager
Uranium Mill Tailings Remedial Action
Project Office
U.S. Department of Energy
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87185-5400

Dear Mr. Chernoff:

The U.S. Nuclear Regulatory Commission staff has completed its review of the Department of Energy's (DOE's) Final Long-Term Surveillance Plan (LTSP) for the Lowman, Idaho, Uranium Mill Tailings Remedial Action (UMTRA) Project site. The Final LTSP was transmitted to the NRC with your letter dated October 29, 1993. Since a few issues, as identified in the enclosure, remain to be resolved, we can not accept this version of the LTSP.

As you are aware, NRC acceptance of an LTSP for a particular site is the action which establishes a site under the general license in 10 CFR Part 40.27. For Lowman, concurrence in remedial action completion (open issues still remain), and resolution of the enclosed issues, must occur before this acceptance can be issued.

This version of the LTSP reflects changes made to the February 1992 Lowman Draft LTSP in response to NRC comments dated December 15, 1992. The open issues identified in that review have been resolved by DOE's revisions, with one exception. The issue of the Land Ownership Documentation still requires additional land transfer information in order to be fully resolved (see enclosed Issue 1).

In addition, two new issues on the Groundwater Monitoring Plan have been identified during the course of the NRC staff review of DOE's revisions to the LTSP. Briefly, DOE must revise the statistical determination of the background constituent concentrations, and clarify the discussion of the monitoring duration for the groundwater monitoring program. These issues are discussed in detail in the enclosure. DOE should also reexamine other similar LTSPs, such as the one for the Green River, Utah site, for consistency with the groundwater monitoring aspects of the LTSP guidance document before submitting them for NRC review.

Finally, the staff notes that this version of the LTSP does not appear to address NRC supplemental comments transmitted to you with our letter of December 29, 1992. DOE must revise the current response document to indicate how the supplemental comments have been addressed in the LTSP.

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OPEN ISSUES IDENTIFIED FOR
LONG-TERM SURVEILLANCE PLAN (SEPTEMBER 1993) FOR THE LOWMAN, IDAHO,
URANIUM MILL TAILINGS REMEDIAL ACTION PROJECT SITE

1. Title Transfer: The information provided by the U.S. Department of Energy (DOE) as to land title transfer is not complete. DOE described the property in general terms as acquired from the NWI Land Management Corporation by quit claim deed in fee simple title (37 acres) and by purchase from the U.S. Forest Service (4.32 acres). Mineral rights were acquired by transfer from the Bureau of Land Management (BLM). Apparently the State of Idaho acquired the surface rights and DOE received the BLM transfer of mineral rights. This information is on page 1-2 of the Long-Term Surveillance Plan (LTSP).

   The Land Ownership Documentation (in Attachment 1 of the LTSP) has a legal description of the disposal site, but no information on land transfer to DOE is included. DOE needs to include in Attachment 1 the basis for the underlying title transfer with references to courthouse record filings. In addition, if the BLM land was transferred "subject to existing mining claims," there should be a Federal Register notice citation and information from BLM as to the lack of existence of any valid mining claim.

2. Ground-Water Monitoring: Table 5.1, page 5-3 of the Groundwater Monitoring chapter identifies the hazardous constituent and the indicator parameters that will be monitored during the post-closure period. The table also provides the compliance concentration limits, based on background ground-water sampling. The concentration limits are described as the 'statistical maximum' background concentrations. U.S. Nuclear Regulatory Commission staff compared these concentration limits with the available ground-water data for the site, and concluded that the values provided in Table 5.1 were likely the observed maximum concentrations, not the statistical maximum.

   DOE's guidance for developing the LTSPs references the U.S. Environmental Protection Agency (EPA) guidance for statistical analyses of ground-water monitoring data, as a basis for evaluating the background constituent concentrations (baseline) in the uppermost aquifer. The DOE Technical Approach Document for the surface reclamation program also provides a methodology for evaluating the background constituent concentrations. Other DOE Remedial Action Plan-related documents have used the 98 percent confidence interval as a measure of the maximum statistical background. Each of these approaches is designed to provide a representative analysis of the background conditions, given some degree of expected temporal variation in the data. The observed maximum of the data set does not provide the same degree of representativeness.

   DOE should reevaluate the statistical determinations used to establish the background constituent concentrations in the Lowman LTSP. DOE should follow the methods outlined in its LTSP guidance document. Table 5.1 of the LTSP should also be revised to reflect the changes in the concentration limits which result from the statistical reevaluation.

3. Ground-Water Monitoring: In a related area, DOE stated that ground-water monitoring will be performed on an annual schedule in 1994 and 1995 (first paragraph, page 5-3). It is not clear whether the 1995 date signifies the termination of ground-water monitoring at the site or only a change in the sampling schedule. NRC staff's understanding of EPA's post closure ground-water monitoring requirements is that the monitoring will be conducted to demonstrate compliance at a specific site, based on the engineering design, and not to fulfill a time limit. Termination of a monitoring program is dependant on evaluating an adequate duration of monitoring data to determine that the disposal cell is performing as anticipated. The duration of a monitoring program is heavily dependant on the site-specific conditions at a particular disposal cell. DOE should clarify the discussion pertaining to sampling duration presented on page 5-3.

4. Provide response to the comments transmitted with NRC letter of December 29, 1992.

You should submit page changes providing resolution of the issues discussed in the enclosure for our review. If you have any questions regarding the issues, please contact the NRC Project Manager, Mohammad Haque at (301) 504-2580.

Sincerely,

ORIGINAL SIGNED BY

Joseph J. Holonich, Acting Chief
Uranium Recovery Branch
Division of Low-level Waste Management
and Decommissioning
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

cc w/ enclosure:
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