



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
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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:

My staff has reviewed the Technical Discussion Document "Regulatory Requirements for Treatment Longevity of Treated TCLP [Toxic Constituent Leaching Procedure] Metals Commingled With RRM [Residual Radioactive Material] on UMTRA [Uranium Mill Tailings Remedial Action] Vicinity Properties," which was transmitted by letter dated February 4, 1993. Although, the document was provided for information rather than for review, one aspect discussed in the document requires clarification. The document presents the post-closure monitoring of licensed uranium disposal sites in the context of the Environmental Protection Agency (EPA) Standard's longevity requirement of, 'for one thousand years, to the extent reasonably achievable, and, in any case, for at least 200 years.' However, the longevity requirement in 40 CFR 192 for both Title I and Title II addressed under the Uranium Mill Tailings Radiation Control Act, as amended (UMTRCA) is a design criterion, not a monitoring criterion.

This point is emphasized in the preamble of EPA's proposed final rule for 40 CFR 192 (September 24, 1987). The preamble states that, "During the post-disposal period, monitoring of the disposal would be required for a period sufficient to verify the adequacy of the disposal to achieve its design objectives for containment of the listed constituents. This period is intended to be comparable to the time period required under §264.117 for wastes regulated under RCRA [the Resource Conservation and Recovery Act, as amended] (i.e., a few decades). It is not intended that monitoring be carried out for the 200- to 1000-year period over which the disposal is designed to be effective."

The conclusion that the post-closure monitoring requirements for the uranium mill tailings disposal sites (including the Cheney Disposal site) are significantly more stringent in duration than those at an EPA-permitted land disposal facility is erroneous. The Title I monitoring requirements in 40 CFR 192, and the Title II requirements in 10 CFR 40, Appendix A are intended to be effectively equivalent to the RCRA Subtitle C (hazardous waste) provisions. The document should emphasize that monitoring at the uranium mill tailings disposal sites provides a level of protection that is equivalent to a permitted RCRA facility, not significantly more stringent.

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Albert R. Chernoff

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If you have any questions regarding our comments, please contact Dan Gillen at 301-504-2517.

Sincerely,

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

cc: Clinton Smythe, DOE, AL  
Denise Bierley, TAC, AL

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