



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 22, 1996

*6/26/96*

*Katamleco: Pls.  
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Ask Dennis to  
give you a dte  
Ante. Tanner*

*Paul  
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MEMORANDUM TO: Paul H. Lehman, Deputy Director  
Office of State Programs

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

SUBJECT: WASHINGTON STATE'S REQUEST FOR RECONSIDERATION OF  
THE LESS PERMEABLE COVER OBJECTIVE IN LLWM-94-01

This is in response to your memorandum on the above subject dated April 4, 1996. We understand that the State of Washington has requested NRC reconsider the objective in Uranium Recovery Program Policy and Guidance Directive LLWM 94-01 that the final tailings impoundment cover is at least as permeable as the liner. We further understand that the state has also requested that the above directive be revised to clarify that limiting infiltration is the primary criterion for groundwater protection, and not the permeability of the cover or the liner.

We are in agreement with the State of Washington that the objective of site reclamation is to permanently stabilize and isolate the tailings and provide protection against contaminant transfer offsite, including contaminant infiltration into the groundwater, without the need for active maintenance in the post-closure period. We also agree that liners and covers are designed and installed to accomplish this objective. This position is consistent with the applicable NRC regulations in Appendix A to 10 CFR Part 40 (mainly Criteria 1, 4, 5 and 6). Therefore, we have no objection to making this clarification in the above directive as requested by the state if and when we have an opportunity to do so.

However, the State of Washington should also be informed that:

1. Policy and Guidance Directive LLWM 94-01 "Synthetic Liner Considerations during Reclamation of Surface Impoundments at Title II Uranium and Thorium Mill Tailings Sites" was not officially issued by NRC staff; several drafts of this directive were prepared, including the "final draft" dated July 1994 of which the state has apparently received a copy, but the directive was not cleared by internal NRC reviews and was not signed or promulgated. Accordingly, the staff is not obligated to follow this directive at this time.
2. Although the directive was not issued, it is still worthwhile to note that the "final draft" of the directive provides licensees the flexibility requested by the state, namely to forego the requirement

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that the final cover is at least as impermeable as the liner, provided that licensees demonstrate that the stability of the tailings impoundment will not be impaired due to moisture buildup in the disposal cell (final draft, page 3, second paragraph):

"Licensees should install a tailings impoundment final cover that is at least as impermeable as the liner. If it is not, licensees should provide analyses demonstrating how any resulting water buildup will not adversely affect the long-term stability of the impoundment."

We trust that this provides the necessary information needed to respond positively to the concerns of the State of Washington on this subject.