



WM-58

## U.S. Department of Energy

Grand Junction Office  
2597 B<sup>3</sup>/<sub>4</sub> Road  
Grand Junction, CO 81503

**MAY - 7 2003**

Mr. Ron Linton  
U.S. Nuclear Regulatory Commission  
Two White Flint North  
11545 Rockville Pike  
Mail Stop T8A33  
Rockville, MD 20852-2747

Subject: Institutional Controls at the Shiprock, New Mexico, UMTRA Site

Dear Mr. Linton:

The U.S. Department of Energy (DOE) has established institutional controls to conduct remedial activities at the Shiprock, New Mexico, Uranium Mill Tailings Remedial Action (UMTRA) site. The controls currently in place are protective of human health and the environment and effectively serve to restrict access and well drilling in the San Juan River floodplain.

In 2000, DOE worked with the Grazing Chapters at the Shiprock site to place grazing restrictions in the floodplain for 7 years while remedial actions are being conducted. Because remedial actions at the site are ongoing, DOE and Navajo personnel have the opportunity to continually view activities in the floodplain and would immediately know if anything unauthorized was taking place. In addition, access to the floodplain is controlled by locked gates.

The need for continued flow of artesian well 648, which flows into the Bob Lee Wash, has been discussed with the Navajo Nation AML/UMTRA office. The flow is deemed beneficial to both the Navajos as a local water source and to the UMTRA Ground Water Project because it helps flush contaminants such as nitrate and uranium from the western part of the floodplain. This well is the property of the Navajo Nation and is under the control of the Nation's Water Code Administration. Although recognized as necessary, no formal agreement for this well is yet in place.

DOE is partnering with the Navajo Nation to establish institutional controls necessary for long-term protection of the public and the environment that will meet the requirements of Title 40, Code of Federal Regulations, Part 192. It was determined that any long-term access and/or drilling restrictions would likely necessitate a Navajo Nation land withdrawal. The Navajo Nation AML/UMTRA office felt that a land withdrawal would best be accomplished by their staff. DOE has forwarded language commonly used for similar restrictions at other UMTRA sites to the Navajo office.

DOE has confidence in the restrictions currently in place and will renew its efforts to ensure the Navajo Nation enacts long-term institutional controls that are enduring and enforceable. In

NM5508

Mr. Ron Linton

-2-

MAY - 7 2003

addition, DOE will resume discussions with the Water Code Administration to establish an agreement to maintain flow on artesian well 648.

Please feel free to contact me at 970/248-7612 if you have questions or concerns regarding this matter.

Sincerely,



Donald R. Metzler  
Program Manager

cc:

M. Roanhorse, Navajo UMTRA

C. Bahrke, Stoller

C. Goodknight, Stoller

S. Marutzky, Stoller

Project File GWSHP 3.3 (K. Sutton)

drm\NRCgcapics.doc