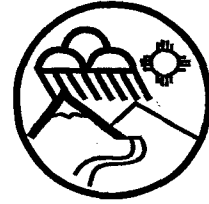


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BILL RICHARDSON
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May 3, 2006

Mr. Gary S. Janosko, Chief
Fuel Cycle Facilities Branch -- Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards
U. S. Nuclear Regulatory Commission
Mail Stop 8 F42
Washington, DC 20555

Dear Mr. Janosko:

RE: REQUEST FOR COMMENTS REGARDING THE DEA FOR AN APPLICATION FOR APPROVAL OF SOIL DECOMMISSIONING PLAN FOR RIO ALGOM MINING LLC'S URANIUM MILL FACILITY AT AMBROSIA LAKE, NEW MEXICO (TAC LU0078)

This transmits New Mexico Environment Department (NMED) staff comments concerning the above-referenced in the Draft Environmental Assessment (EA).

SURFACE WATER QUALITY

Need for the Proposed Action

Any proposed cleanup plan should be designed to assure that surface water quality standards are achieved for designated uses as presented in the State of New Mexico Standards for Interstate and Intrastate Surface Water (20.6.4 NMAC, July 17, 2005). Ephemeral waters [NMAC20.6.4.97] are considered Waters of the State and have surface water quality standards for designated uses that include livestock watering, wildlife habitat, secondary contact and limited aquatic life. It should be stated clearly in the EA whether the proposed plan or no action would be protective of New Mexico surface water quality standards.

Affected Environment

It should also be explained under Affected Environment in the EA whether surface water quality issues exist at the mill site and how the proposed plan would address this.

GROUND WATER QUALITY

The following comments relate primarily to the Sections 20.6.2.4000 through 4115 NMAC ground water regulations for abatement, which contemplate abatement of the vadose zone in Section

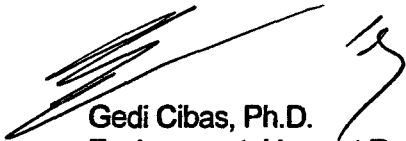
Gary S. Janosko
May 3, 2006
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20.6.2.4103.A NMAC. The NMED understands that some or all of the following comments may be addressed in subsequent implementation of cleanup criteria for soils and stabilization.

1. NMED recommends that the Plan provide details about the extent of excavation and removal of contaminated soils, such as a specified maximum depth or minimum concentration.
2. NMED recommends that the Plan propose a minimum thickness of 3 feet of clean fill material (e.g. unimpacted Mancos Shale) that will cover any area identified with deeper soil contamination that will not be removed.
3. NMED recommends that the Plan propose surface grading designs to provide positive drainage away from covered areas with contaminated soils.
4. NMED recommends that non radiological contaminants such as chloride, sulfate, nitrate, total dissolved solids, and other parameters be considered in the cleanup criteria when assessing areas with soil contamination. In the form of leachate in contaminated soils, both the radiological and non radiological contaminants may move directly or indirectly into ground water, and many of the non radiological contaminants may travel a greater distance in the subsurface than the radiological parameters.

We appreciate the opportunity to comment on this document.

Sincerely,



Gedi Cibas, Ph.D.
Environmental Impact Review Coordinator

NMED File No. 2276ER