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**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

June 23, 2006

Paul Michalak, Hydrogeologist  
Uranium Processing Section  
Fuel Cycle Facilities Branch  
Division of Fuel Cycle Safety and Safeguards  
Office of Nuclear Material Safety and Safeguards  
Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**RE: Comments on Draft Environmental Assessment for United Nuclear Corporation's Church Rock, New Mexico Project Site (TAC NO. LU0117)**

Dear Mr. Michalak:

The New Mexico Environment Department (NMED) received the Nuclear Regulatory Commission's Draft Environmental Assessment (EA) for the former North East Church Rock Uranium Mill located near Gallup, New Mexico dated May 10, 2006. The EA was issued in accordance with 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions" in order to establish ground water protection standards (GWPS) by reference to the background concentrations for the site. The site is listed on the National Priorities List.

NMED's comments are listed below:

**General Comment:**

1. NMED understands that the findings of this EA do not supersede actions being taken under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the United Nuclear Corporation Superfund Site (EPA ID# NMD030443303), and that clean up levels set forth in the Record-of-Decision (EPA 1988) are in effect unless otherwise modified through the CERCLA process, and in consultation with NMED and the Navajo Nation.
2. The proposed GWPS are below standards (Radium 226/228) or are absent (Total Trihalomethanes) listed in the New Mexico Water Quality Control Commission Regulations.

**Specific Comments:**

1. **Section 1.1 Regulatory Oversight:** The last paragraph states that the proposed GWPS apply at Point of Compliance wells in the Southwest Alluvium, Zone 1 and

Zone 3 wells pursuant to the NRC license. NMED requires that the entire groundwater system must meet any approved ARARS.

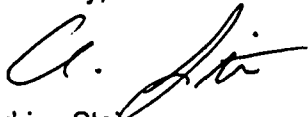
2. Section 4.1 Hydrogeology: As stated in the ROD (EPA 1988), recharge sources for Southwest Alluvium, Zone 1, and Zone 3 aquifers resulted from a combination of direct precipitation, seepage from tailings ponds, and intermittent surface drainage in Pipeline Canyon. Therefore NMED does not agree with UNC's consultant's (MWH) statement that the Southwest Alluvium was not saturated prior to dewatering activity at the nearby North East Church Rock Mine. All groundwater is protected under the New Mexico WQCC Regulations Section 20.6.2.4103 Subsection B, which states that "Ground-water pollution at any place of withdrawal for present or reasonably foreseeable future use, where TDS concentration is 10,000 mg/L or less, shall be abated to conform to standards of 20.6.2.3103 NMAC".

3. Section 5.2 Cumulative Health Effects. Please define "small" in the terms of actual risk.

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Thank you for your consideration of NMED's comments. Please contact me at (505) 827-2434 if you should have any questions.

Sincerely,



Adrian Stein  
Superfund Oversight Section  
Ground Water Quality Bureau

Cc: Mark Purcell, EPA Region 6  
Jerry Schoeppner, MECS, NMED  
Dana Bahar, SOS Manager, NMED  
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