

December 22, 2008

Mr. Joseph P. Desormeau
Site Manager
U. S. Department of Energy
Office of Legacy Management
2597 B3/4 Road
Grand Junction, Colorado 81503

SUBJECT: TECHNICAL EVALUATION REPORT, FINAL SITE OBSERVATIONAL WORK PLAN AND PRELIMINARY FINAL GROUND WATER COMPLIANCE ACTION PLAN, DURANGO, COLORADO URANIUM MILL TAILINGS REMEDIAL ACTION PROJECT SITE

Dear Mr. Desormeau:

By letter dated January 24, 2002, the U. S. Department of Energy (DOE) submitted a final Site Observational Work Plan (SOWP) to the U.S. Nuclear Regulatory Commission (NRC) for review. By letter dated August 28, 2003, the DOE submitted a Preliminary Final Ground Water Compliance Action Plan (GCAP) to the NRC for review. Subsequently, DOE submitted four Durango Site Verification Monitoring reports and a Data Validation Package to the NRC, summarizing yearly monitoring activities at the site.

The NRC staff has completed its review of these documents and summarized the results of our review in the enclosed Technical Evaluation Report. NRC staff has determined that the information provided in the SOWP is acceptable and is in compliance with 40 CFR 192. The information provided in the Preliminary Final GCAP is acceptable provided the following additional activities are incorporated into the Final GCAP:

- Ground water monitoring of cadmium, manganese, molybdenum, selenium, sulfate and uranium in the mill tailings area should continue annually to verify the application of natural flushing to reduce contaminants to required levels in a one hundred year time frame.
- Ground water monitoring of selenium in the raffinate ponds area should occur on an annual basis to verify the selection of no remediation and supplemental standards. Ground water monitoring data for the raffinate ponds area should be summarized in the Annual Site Verification Monitoring Report.
- DOE will execute the environmental covenant for the raffinate ponds area as originally planned.

If you have any questions regarding this letter, please contact me at (301) 415-7777, or by e-mail, to ron.linton@nrc.gov.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Ron Linton, Project Manager
Uranium Recovery Licensing Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: WM-00048

Enclosure: Technical Evaluation Report

cc: Wendy Naugle (CDPHE)

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

Ron Linton, Project Manager
 Uranium Recovery Licensing Branch
 Decommissioning and Uranium Recovery
 Licensing Directorate
 Division of Waste Management
 and Environmental Protection
 Office of Federal and State Materials
 and Environmental Management Programs

Docket No.: WM-00048

Enclosure: Technical Evaluation Report

cc: Wendy Naugle (CDPHE)

DISTRIBUTION:

JWhitten/RIV DOrlando

ML080430478

Office	DWMEP	DWMEP	DWMEP	DWMEP	DWMEP	OGC	DWMEP	DWMEP
Name	RLinton	BGarrett	EStriz	MFliegel	WVonTill	JHull-NLO	KMcConnell	RLinton
Date	7 /29/08	7/30 /08	08/ 01 /08	12 /2 /08	12 / 4/08	12/9 /08	12/22 /08	12/22/08

OFFICIAL RECORD COPY