September 8, 2010

Dr. April Gil, Site Manager
U.S. Department of Energy
Office of Legacy Management
2597 B ¾ Road
Grand Junction, CO 81503

SUBJECT: REVIEW OF THE SEPTEMBER 2009 GROUNDWATER AND SURFACE WATER SAMPLING DATA VALIDATION PACKAGE AT THE SHIPROCK, NEW MEXICO, DISPOSAL SITE

Dear Dr. Gil:

By letter dated April 26, 2010, the U.S. Nuclear Regulatory Commission (NRC) received the September 2009 Groundwater and Surface Water Sampling Data Validation Package for the Shiprock, New Mexico, disposal site. This letter is to inform you that the NRC staff has completed its review of the subject document.

The information in the Data Validation Package is generally in compliance with the previously approved Groundwater Compliance Action Plan (GCAP), as amended. The water quality of the flood plain aquifer has been improving, as the maximum concentrations observed in the flood plain have generally decreased since 2001, consistent with one of the primary goals of the site remediation. On the other hand, hydraulic control on the terrace aquifer has had mixed results.

As stated in the U. S Department of Energy's September 2, 2005, letter, Refinement of Conceptual Model and Recommendations for Improving Remediation Efficiency at the Shiprock, New Mexico, Site:

> After 5 to 7 years of remediation, the overall performance of the remediation system should be reviewed. At this time, estimates of cleanup time will be improved. In addition to the possibility of adding extraction and treatment capacities, other contingency measures should be considered if the system is not predicted to clean up within a reasonable time period.

It is anticipated that a report will be available in the near future. When it becomes available, NRC staff will review the summary report of the overall performance of the remediation system. It should be noted that the September 2, 2005, letter was written to assist in the decision for a revised final GCAP.

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 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/

Richard Chang, Project Manager
Special Projects 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-58

cc: T. Pauling, DOE
M. Roanhorse, Navajo UMTRA
C. Holiday, Navajo UMTRA
L. Benally, Navajo UMTRA
B. Williams, Water Code Administration
D. Taylor, Navajo DOJ
S. Austin, Navajo EPA
E. Rich, Navajo EPA

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