



Department of Energy

Washington, DC 20585

May 19, 2014

ATTN: Document Control Desk
Deputy Director
Decommissioning and Uranium Recovery Licensing Directorate
Division of Waste Management and Environmental Protection
Office of Federal and State Materials and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Mail Stop T8 F5

Subject: U.S. Department of Energy incident notification to the U.S. Nuclear Regulatory Commission (NRC) for the Shiprock, New Mexico Uranium Mill Tailings Radiation Control Act (UMTRCA) Title I Disposal Site

To Whom It May Concern:

On Tuesday March 25, 2014 the U. S. Department of Energy (DOE) was notified that two residents living near the borrow pit area of the Shiprock, New Mexico, Disposal Site had been discharging a firearm near the site while DOE subcontractor personnel were working on the site. Additionally, it was reported to DOE that the same resident owned a dog that was a concern to employees working at the site due to its aggressive behavior.

The reported incident did not threaten the stability of the disposal cell, the integrity of the site, nor DOE's ability to comply with 40 CFR 192 (HEALTH AND ENVIRONMENTAL PROTECTION STANDARDS FOR URANIUM AND THORIUM MILL TAILINGS) and requirements in 10 CFR 40.60 (DOMESTIC LICENSING OF SOURCE MATERIAL). However, the intent of Sections 7 and 9 in the Long-Term Surveillance Plan is to ensure NRC is aware of changing conditions at the site; therefore, we are providing this formal notification to you. The employees who reported the incident believed that the discharge of firearms was a recreational activity and not directed at individuals working on site. In addition, subsequent investigation showed that the residents were unaware the employees were on site. However, to ensure the continued safety of site personnel, work in the area of the borrow pit was suspended on March 26, 2014 until the incident could be further assessed. Representatives of U.S. NRC Region IV were on site conducting an evaluation when work was stopped. In addition to the communications with NRC, DOE also notified the appropriate Navajo Nation agencies about the incident, work stoppage, corrective actions, and resumption of work details. DOE also reported the incident to the Navajo Tribal Police.

On March 27, 2014, DOE officially stopped all work at the site and asked all workers to leave the area. Work at the site was suspended until corrective actions were completed that would assure the safety of personnel working at the site. At that time, DOE also stopped the pumping operations of the groundwater remediation system. The remediation system operations were shut down remotely via telemetry from DOE's Grand Junction office. Operation of the remediation

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system was stopped because the system inspectors would have been unable to conduct the routine inspections that would ensure safe and effective operating conditions.

The following six corrective actions related to the incident were identified by DOE as Restart Actions:

- 1) Review of the health and safety documentation and operating procedures for the Shiprock site and, if not already included, add information on: a) wearing high-visibility vests; b) increasing the visibility of utility vehicles using reflective tape, flashing safety light and flags; c) using appropriate defensive measures for wildlife or aggressive domestic animals; and d) describing what to do if gunshots are heard.
- 2) Install a safety flag, flashing light, and reflective tape to the utility vehicle and any All-Terrain Vehicles expected to be used at the Shiprock site to improve visibility.
- 3) Brief the subcontractor employees, and others who will likely work at the Shiprock site, on the incident and corrective actions.
- 4) Obtain the final police report and determine whether it addresses the firearm-discharge and vicious-dog issues relative to Shiprock site workers.
- 5) If the police report does not satisfactorily address firearms and vicious-dog issues, discuss the incident with other Navajo agencies and request they assist with the involved residents.
- 6) Determine if pepper spray or mace will be allowed as a defensive spray for wild or domestic animals that pose a hazard to site workers. If defensive sprays are allowed, determine if training is needed and provide the training to staff expected to work at the Shiprock site.

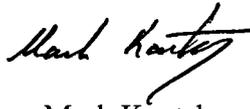
All six of these corrective actions were completed, and DOE approved the resumption of all site activities on April 25, 2014. The following week DOE inspected the site and the components of the remediation system, and no issues were identified. By May 1, 2014, the entire remediation system was restarted without incident. No additional concerns or issues have been identified since that time.

These corrective actions have been incorporated into standard procedures for work at the Shiprock disposal site and DOE will continue to monitor their implementation.

Please call me at (970) 248-6018 if you have any concerns regarding this matter. Please address any correspondence to:

U.S. Department of Energy
Office of Legacy Management
2597 Legacy Way
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Sincerely,



Mark Kautsky
Site Manager

cc:

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