



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 21, 2019

Mark Kautsky, Site Manager
U.S. Department of Energy
Office of Legacy Management
2597 Legacy Way
Grand Junction, CO 81503

SUBJECT: NUCLEAR REGULATORY COMMISSION STAFF REVIEW OF "POSITION PAPER: SUSPENSION OF GROUNDWATER EXTRACTION AND EVAPORATION POND OPERATIONS, SHIPROCK, NEW MEXICO, DISPOSAL SITE" (Docket Number WM-00058)

Dear Mr. Kautsky:

I am writing in response to the U.S. Department of Energy (DOE) report entitled "Position Paper: Suspension of Groundwater Extraction and Evaporation Pond Operations, Shiprock, New Mexico, Disposal Site" dated December 27, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML19002A133).

The U.S. Nuclear Regulatory Commission (NRC) staff understands that the current temporary cessation of groundwater extraction at the site is due to the maximum water level being reached in the evaporation pond. However, the discussion of Many Devils Wash on page 7 indicates that the groundwater extraction from Many Devils Wash has been permanently discontinued. The "Final Ground Water Compliance Action Plan [GCAP] for Remediation at the Shiprock, New Mexico, [Uranium Mill Tailings Remedial Action] UMTRA Site" from July 2002 (GJO-2001-297-TAR) includes groundwater extraction from Many Devils Wash and, to date, the GCAP has not been revised to remove this commitment. We note that the NRC staff reviewed the DOE position paper entitled "Origin of Contamination in Many Devils Wash, Shiprock, New Mexico" dated January 2017, and based on the NRC staff's review of that position paper, it appears that the upper part of Many Devils Wash was not affected by mill related activities (ADAMS Accession Number ML17080A335). If DOE has concluded that groundwater extraction at Many Devils Wash is no longer necessary, we suggest that the GCAP be revised to delete pumping at Many Devils Wash prior to the development of the evaporation pond decommissioning plans and schedules (which may take several years) to prevent confusion as to what DOE will be doing at the site. The NRC staff has the following specific comments on this position paper:

1. Section 5, page 11: It states in the fifth sentence, in part "...pumped contaminated groundwater from key locations (wells 1089 and 1104, sump 1118, drain 1087)..." It is not clear why the trench drains at locations 1109 and 1110 are not also considered key locations.
2. Section 6, page 13: The second bullet states that DOE will prepare a planning document to consider, among other things "Options and recommendations for removal methods and transportation for the contaminated pond sediment, subsoils, and liner material." Does DOE have any preliminary information regarding if the pond liner subsoil has been impacted by the operations and, if so, does DOE have an estimate for the amount or extent of subsoil that may

need to be removed and transported elsewhere? The Durango site evaporation pond was recently decommissioned and it may be useful to review the project to determine if any similarities exist between the liners, pond construction, etc. that could help determine the amount of subsoil that may need to be removed.

3. Section 7, page 13: The third bullet states, "Evaluate the source of water in Bob Lee Wash and at seeps 425 and 426." The "Final Ground Water Compliance Action Plan for Remediation at the Shiprock, New Mexico, UMTRA Site" from July 2002 (GJO-2001-297-TAR) stated that the discharge of approximately 64 gallons per minute from well 648 accounts for essentially all of the surface water in Bob Lee Wash. Please explain why DOE no longer believes it knows the source of water in Bob Lee Wash. However, if DOE has not revised its position on the source of water in Bob Lee Wash, it is not clear why water in Bob Lee Wash is being evaluated.

4. Section 7, page 13: The fifth bullet states, "Begin phytoremediation plantings to supplement the remediation objectives." It is not clear where this planting will occur (it appears that it will be in the Bob Lee Wash) and it would be helpful to state where the phytoremediation plantings will occur.

5. Section 7, page 14: The second bullet under the additional activities states that DOE will continue monitoring the San Juan River to "ensure protectiveness." It is not clear how monitoring alone will ensure protectiveness and does the DOE have a contingency plan in the event that cessation of pumping results in an unacceptable increase in contaminants reaching the San Juan River?

Finally, please note that our comments above do not constitute the NRC's concurrence with the DOE moving forward with the activities discussed in the position paper, as changes to the GCAP and decommissioning of the evaporation pond would need to be reviewed and concurred upon by NRC and other stakeholders (as indicated in the paper).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

M. Kautsky

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If you have any questions concerning the NRC comments please feel free to contact me at 301-415-6749 or at Dominick.Orlando@nrc.gov.

Sincerely,

/RA/

Dominick Orlando, Senior Project Manager
Uranium Recovery and Materials
Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. WM-00058

cc: Shiprock Dist. List

M. Kautsky

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