



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

April 30, 2020

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

SUBJECT: CLARIFICATION ON U.S. NUCLEAR REGULATORY COMMISSION STAFF LETTER REGARDING THE GROUNDWATER CORRECTIVE ACTION PLAN FOR THE SHIPROCK NEW MEXICO URANIUM MILL TAILINGS RADIATION CONTROL ACT SITE (Docket Number WM-58)

Dear Mr. Kautsky:

I am writing in response to your recent verbal request for clarification of U.S. Nuclear Regulatory Commission (NRC) staff statements in a letter concerning the Many Devils Wash area of the Shiprock Uranium Mill Tailings Radiation Control Act site in New Mexico.

By letter dated February 1, 2017, the U.S. Department of Energy (DOE) provided the NRC staff with a position paper entitled "Origin of Contamination in Many Devils Wash, Shiprock, New Mexico" dated January 2017 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML17034A048). In March 2017 the NRC staff provided comments on the position paper (ADAMS Accession Number ML17080A335). In the comments, the NRC staff indicated that we understood that the DOE would be using the position paper as a rationale for revising the Groundwater Corrective Action Plan (GCAP) for the Shiprock site. NRC staff's understanding of the DOE's plans were based on discussions with DOE staff at the time. On July 31, 2019, the DOE informed the NRC that DOE intended to decommission the interceptor drain and associated remediation system infrastructure in Many Devils Wash in 2020 and that, based on the observational approach outlined in the GCAP, a revision to the GCAP was not necessary (ADAMS Accession Number ML19217A147). Since then, the DOE has verbally requested that the NRC staff provide clarification as to whether or not the NRC staff believes that the GCAP needs to be revised to reflect the decommissioning of the Many Devils Wash interceptor drain and associated remediation system infrastructure.

NRC staff reviewed the GCAP for the Shiprock site. Specifically, the discussion in Section 4.4 of the GCAP that states:

Operation of any particular extraction well may be discontinued at any time if it is determined that continued extraction of contaminated water in its vicinity is no longer practical. However, the extraction will not be terminated at any location as long as sources of exposure remain in that area. Thus, extraction from a particular well may be terminated earlier than 7 years, or it may continue after that period if it is necessary.

As described in the 2017 position paper, the NRC staff agrees that contamination in Many Devils Wash is from the natural interaction of water with the Mancos Shale and is not related to material at the mill site. In March 2017, NRC staff agreed that the upper part of Many Devils Wash was not affected by mill related activities (ADAMS Accession Number ML17080A335). Because the contamination in Many Devils Wash is not related to mill activities, it is not practical for DOE to continue extraction. In addition, DOE has demonstrated that the groundwater in Many Devils Wash is not a source of exposure from mill related contaminants. Therefore, the GCAP would not need to be revised to decommission the interceptor drain and associated remediation system infrastructure in Many Devils Wash.

In accordance with Title 10 of the *Code of Federal Regulations* Part 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 Website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions please contact me at 301-415-6749 or by email at Dominick.Orlando@nrc.gov.

Sincerely,

Dominick A. 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 Number: WM-58

cc: Shiprocklistserv

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