



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

July 16, 2020

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

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION STAFF REVIEW OF THE
U.S. DEPARTMENT OF ENERGY REPORT ENTITLED "ANNUAL
PERFORMANCE REPORT APRIL 2017 THROUGH MARCH 2018 FOR THE
SHIPROCK, NEW MEXICO, DISPOSAL SITE" DATED SEPTEMBER 2019
(DOCKET WM-00058)

Dear Mr. Kautsky:

I am writing in response to the U.S. Department of Energy's (DOE's) "Annual Performance Report April 2017 Through March 2018 for the Shiprock, New Mexico, Disposal Site" dated September 2019 (Agencywide Document Access and Management System [ADAMS] Accession Number ML20097E386). U.S. Nuclear Regulatory Commission (NRC) staff reviewed the report and have the following comments.

This report differs from previous Performance Reports with the suspension of pumping in 2017. Therefore, there is little groundwater extraction or contaminant mass removal to report. The report does indicate that there have been some increases in constituents of concern (CoCs) in a few wells at the Shiprock site, however, these increases were slight and within historical observations. The NRC staff does not have any comments on the DOE's analysis or conclusion about the slight changes in CoCs

The staff is concerned about the status of the Performance Reports for the April 2018 through March 2019 and April 2019 through March 2020 timeframes. Since pumping was suspended in April 2017 (the beginning of this Performance Report cycle), it would be expected that the CoC changes reported in the April 2017 through March 2018 report in the would be minimal. However, without the April 2018 through March 2019 and April 2019 through March 2020 Performance Reports it is unclear if there has been an impact on CoCs due to the suspension of groundwater extraction. As such, we suggest that DOE expedite the development of the April 2018 through March 2019 and April 2019 through March 2020 reports and provide the reports as soon as possible.

We understand that sampling is scheduled for September 2020 at the site and suggest that as soon as the results are available the DOE notify the NRC and Navajo Nation if significant changes in CoC concentrations are observed without awaiting the development of the April 2020 through March 2021 Performance Reports.

In accordance with Title 10 of the *Code of Federal Regulations* Section 2.390 of the NRC's "Agency Rules of Practice" 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. The ADAMS database is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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,

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 list serve

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***Via email**

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