



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

40-8907

via Facsimile and Certified Mail
Return-Receipt Requested

May 21, 2004

Larry Bush
United Nuclear Corporation
State Highway 566
21 miles northeast of Gallup
Gallup, NM 87305-3077

Re: Response to EPA Comments on the Proposed Hydraulic Fracturing of Zone 3
United Nuclear Corporation Church Rock Site
Gallup, New Mexico

Dear Mr. Bush:

The United States Environmental Protection Agency (EPA) has completed its review of the MACTEC March 26, 2004 letter, submitted on behalf of the United Nuclear Corporation (UNC) in response to the EPA comments on the proposed hydraulic fracturing of Zone 3. The responses adequately addressed all of the EPA's comments and, therefore, the document entitled "Final Report, Hydraulic Fracturing Pilot Test Results and Preliminary Full Scale Design, United Nuclear Church Rock Facility, dated December 2003," is approved. UNC is directed to proceed with the next phase of the hydraulic fracturing program.

As discussed between the EPA and UNC during the February 26, 2004 meeting, the use of hydraulic fracturing to enhance the Zone 3 component of the remedy is considered by the EPA to be a significant difference to the original ground-water remedy set forth in the EPA's 1988 Record of Decision (ROD) for the UNC Church Rock Superfund Site (Site). Therefore, as required under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, and the National Contingency Plan (NCP), the EPA will issue an Explanation of Significant Difference (ESD) to the community documenting such modification of the original remedy.

Additionally, as discussed at the February 26, 2004 meeting and stated in the EPA's March 10, 2004 letter to you, the EPA has directed UNC to perform a Supplemental Feasibility Study (SFS), concurrent with the hydraulic fracturing program, to evaluate other remedial alternatives

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and support future EPA decision making on the Site ground-water remedy. The EPA's approval of the hydraulic fracturing for Zone 3 should not be construed, in any way, to imply that UNC is not required to perform the SFS. In the event that the EPA determines the hydraulic fracturing of Zone 3 to be unsuccessful and/or further response actions or modifications to the ground-water remedy are necessary for the protection of human health and the environment, the EPA will require UNC to perform such actions or modifications in accordance with the EPA Unilateral Administrative Order (Docket No. CERCLA 6-11-89).

Finally, please be aware that any future response action or modification that is considered by the EPA to be a fundamental change to the original remedy will require the EPA to conduct the public participation and documentation procedures specified in the NCP (§§300.435(c)(2)(ii) and 300.825(a)(2)).

If you have any questions, please contact me by telephone at 214-665-6707 or by electronic mail at purcell.mark@epa.gov

Sincerely yours,



Mark D. Purcell
Remedial Project Manager
Superfund Division

cc: R. Blickwedel, GE
B. vonTill, NRC
R. Brown, NMED
D. Malone, NNEPA