



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

Via Certified Mail
Return Receipt Requested

June 23, 2006

Mr. Larry Bush, President
United Nuclear Corporation
State Highway 566
21 miles northeast of Gallup
P.O. Box 3077
Gallup, NM 87305-3077

Re: Supplemental Feasibility Study
UNC Superfund Site, Church Rock, NM
Administrative Order (Docket No. CERCLA 6-11-89)

Dear Mr. Bush:

Pursuant to the U.S. Environmental Protection Agency's (EPA's) Unilateral Administrative Order (Order), Docket No. CERCLA 6-11-89, EPA directs the United Nuclear Corporation (UNC) to complete the Supplemental Feasibility Study (SFS) for the UNC Church Rock Superfund site (Site), Church Rock, New Mexico. The UNC submitted a draft SFS entitled "Supplemental Feasibility Study, Zone 3 Hydrostratigraphic Unit, Church Rock Uranium Mill Tailings Site" in October 2004. Since then, EPA commented on the draft SFS in telephone calls and in a letter dated June 24, 2005, and met with representatives of UNC on August 17, 2005 to discuss its status. In the June 24, 2005 letter, EPA disapproved the draft SFS and directed UNC to implement a comprehensive, Site-wide SFS that would be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300, and EPA guidance for conducting a feasibility study under CERCLA (EPA/540/G-89/004 – OSWER Directive 9355.3-01). At the August 17, 2005 meeting, UNC expressed concerns to EPA about the necessity of performing a SFS at this Site.

After further consideration of UNC views, EPA's position regarding the necessity of performing the SFS remains unchanged. First, EPA has determined that the Remedial Action taken by UNC to mitigate ground-water contamination may not achieve the remedial objectives set forth in the EPA's 1988 Record of Decision (ROD). The operational results from years of active pumping have demonstrated either (1) significant decreases in pumping rates with time due to declining water levels or (2) an inability to achieve all cleanup levels in a reasonable time period. This possibility was anticipated by EPA in the ROD. With the exception of a few select wells in Zone

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3 to test hydraulic fracturing and *in-situ* alkalinity stabilization, all pumping operations have been temporarily discontinued for a substantial time.

Second, EPA must now strongly consider significant modification of the existing remedy or selection of alternative remedial action in order to continue protecting public health, welfare, or environment. Under CERCLA, the primary mechanism for the development, screening, and detailed evaluation of alternative remedial actions is the feasibility study. Therefore, the SFS is the appropriate and necessary step to investigate and evaluate other remedial alternatives and to support a possible ROD Amendment or Explanation of Significant Differences, as appropriate (*see also* EPA's Second Five-Year Review Report, dated September 2003). Performance of an SFS is an appropriate way to ensure consistency with the NCP, remedial action objectives, and applicable or relevant and appropriate requirements (ARARs), while engaging a comparative analysis of remedial technologies and a thorough examination of such potentially germane factors as technical impracticability (TI) and institutional controls (ICs).

In accordance with Section V, Paragraph A11 of the Order, UNC shall submit an amended SFS which fully addresses all of the EPA comments contained in the June 24, 2005 letter. As stated in that letter, the SFS must follow the NCP requirements and EPA guidance for a feasibility study under CERCLA, including a detailed analysis of the individual alternatives with respect to the nine criteria and the development of a "No-Action" alternative. In completing the SFS, it is also suggested that UNC closely review the EPA's Second Five-Year Review Report for the requirements needed to ensure protectiveness. The UNC shall submit the amended SFS no later than sixty (60) days after receipt of this letter.

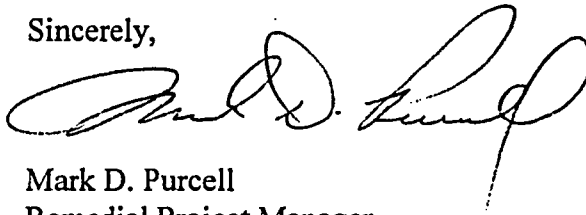
In light of the ongoing work by UNC and/or EPA related to TI, ICs, and the approved *In-Situ* Alkalinity Stabilization Pilot Study, the following additional comments shall be fully addressed by UNC in the amended SFS:

- The analysis and data of the TI evaluation previously performed by UNC shall be carried forward and discussed in the SFS if a TI Waiver is to be a component of any alternative response action proposed by UNC;
- The SFS shall include an evaluation of ICs as a mechanism to restrict the use of seepage-impacted ground water in areas outside of the UNC property boundary;
- *In-situ* alkalinity stabilization shall be included as a remedial technology to be evaluated in the SFS.

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

Sincerely,



Mark D. Purcell
Remedial Project Manager
Superfund Division

Enclosure

cc: Paul Michalak, NRC
Dana Bahar, NMED
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Roy Blickwedel, GE