

EDO Principal Correspondence Control

FROM: DUE: 08/09/12

EDO CONTROL: G20120505
DOC DT: 06/26/12
FINAL REPLY:

Senator Mark E. Udall
(3 Constituent Letters)

TO:

Schmidt, OCA

FOR SIGNATURE OF :

** GRN **

CRC NO: 12-0327

Borchardt, EDO

DESC:

Proposed Pinon Creek Uranium Mill
(EDATS: SECY-2012-0358)

ROUTING:

Borchardt
Weber
Johnson
Ash
Mamish
OGC/GC
Satorius, FSME
Collins, RIV
Zobler, OGC
Schmidt, OCA

DATE: 07/13/12

ASSIGNED TO:

CONTACT:

EDO

Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20120504. Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). FSME and Region IV to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

Template: SECY-017

E-RIDS: SECY-C

B1

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2012-0358

Source: SECY

General Information

Assigned To: OEDO

OEDO Due Date: 8/9/2012 11:00 PM

Other Assignees:

SECY Due Date: 9/13/2012 11:00 PM

Subject: Proposed Pinon Creek Uranium Mill

Description:

CC Routing: FSME; RegionIV; OGC; OCA

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20120505, LTR-12-0327

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

Action Type: Letter

Priority: Medium

Signature Level: EDO

Sensitivity: None

Urgency: NO

Approval Level: No Approval Required

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). FSME and Region IV to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

Document Information

Originator Name: Senator Mark E. Udall

Date of Incoming: 6/26/2012

Originating Organization: Congress

Document Received by SECY Date: 7/13/2012

Addressee: Schmidt, OCA

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

United States Senate

WASHINGTON, DC 20510

June 26, 2012

Nuclear Regulatory Commission
Director, Office of Congressional Affairs
Nuclear Regulatory Commission
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Congressional Liaison,

Enclosed please find a letter from my constituent concerning the proposed Pinon Creek uranium mill. I would appreciate it if you would respond to the constituent's concerns in an expeditious manner and in accordance with all applicable laws and regulations.

Please direct any correspondence concerning this inquiry to the constituent at:

Gary Peterson

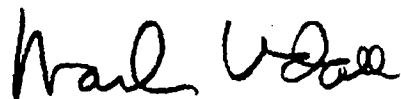
(b)(6)

Please also send a copy of your letter to my office at:

Sen. Mark Udall
SH-328
Washington, DC 20510
Attention: Dan Fenn

Thank you for your assistance.

Sincerely,



Mark E. Udall
U.S. Senator

From:

03/29/2012 14:49

#016 P.002/011

Senator M. Udall

Hart Office Building Suite 5H-328
Washington, D.C. 20510

Dear Senator Udall,

We would like to express our dismay over a letter written recently by Deborah Jackson of the Nuclear Regulatory Commission, regarding the proposed Pinon Creek uranium mill.

The letter, written to the attorneys of Sheep Mountain Alliance, repeated, virtually verbatim, the talking points of the Alliance. The purpose for the NRC letter is not entirely clear, but the timing and content strongly suggest that it is an attempt to influence the ongoing lawsuit over the issuance of the Radioactive Materials License, by trying to lend credence to the Plaintiffs arguments.

Those arguments are unfounded. The claim is that the State of Colorado failed to properly include public comment as a part of the licensing process. In fact, several well-publicized public hearings were held on the matter, ranging from Nucla to Telluride. There was more than ample opportunity for members of the public to weigh in. What seems to be troubling the opponents of the mill is that the public comment was not in their favor.

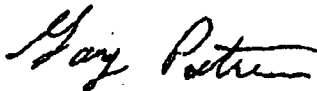
Those of us who live closest to where the mill is to be built are the ones who will be most affected by it, and who have the biggest stake in ensuring that proposed facility meet all safety, health, and environmental criteria, and we overwhelmingly voiced support for the mill. Only at the hearings in Telluride and Ophir, about 65 miles away from the proposed mill location, was there much in the way of opposition expressed.

As a result, the opponents of the mill resorted to tactics outside the established and proper procedures put in place to decide such matters. It unfortunately seems as though an agency of the federal government, which is supposed to exist to serve ALL the American people, may have allowed itself to become coopted in the course of doing so.

The letter is a violation of the states right to license uranium facilities, and an attempt to undermine the Colorado Department of Public Health and Environment's authority, in an effort to prevent the opening of the mill, contrary to the wishes of a majority of the local residents. And if it is discovered that in fact the Sheep Mountain Alliance, or the Town of Telluride, had anything to do with orchestrating this letter, we would expect that a serious inquiry be made.

In any event, it is terribly unfortunate that a federal agency felt it proper to throw their weight behind the plaintiff organization at a sensitive point in the legal process. We hope that you and your office will help to shed some light on this serious matter.

Sincerely,



(b)(6)



United States Senate

WASHINGTON, DC 20510

June 26, 2012

Dear Congressional Liaison,

Enclosed please find a letter from my constituent concerning the proposed Pinon Ridge uranium mine. I would appreciate it if you would respond to the constituent's concerns in an expeditious manner and in accordance with all applicable laws and regulations.

Please direct any correspondence concerning this inquiry to the constituent at:

Richard Pollard

(b)(6)

Please also send a copy of your letter to my office at:

Sen. Mark Udall
SH-328
Washington, DC 20510
Attention: Dan Fenn

Thank you for your assistance.

Sincerely,



Mark E. Udall
U.S. Senator

Sen. Mark Udall
Hart Office Building Suite SH-328
Washington, D.C. 20510

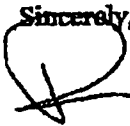
Dear Senator,

I would like to bring to your attention an issue in Western Colorado that is quite troubling to me and many others. It is regarding the Pinon Ridge uranium mill, and the manner in which a federal agency has taken it upon itself to meddle in what is clearly a state issue. Colorado has sole authority within the state to license uranium processing facilities; nevertheless, the Nuclear Regulatory Commission (NRC) saw fit to write a letter of support to the attorneys representing the coalition of environmentalist groups who are suing the state government for issuing a Radioactive Materials License to the owners of the proposed mill, Energy Fuels.

It is of course wrong that the NRC chose to get involved to the extent it did, but it is absolutely shameful that they did so without even including the appropriate Colorado state agency, the Department of Public Health and Environment (CDPHE), who only found out about the letter through the media. Furthermore, the timing of the letter – sent prior to the environmentalist coalitions final briefs were due to be submitted, but after the State's were – strongly suggests that this was an attempt to exert undue influence over an active litigation.

Seeing as how this involves an agency of the federal government acting inappropriately at best, I would like to ask that your office look into this matter.

Sincerely,

 Richard Pollack

(b)(6)



United States Senate

WASHINGTON, DC 20510

June 26, 2012

Dear Congressional Liaison,

Enclosed please find a letter from my constituent concerning the proposed Pinon Creek uranium mill. I would appreciate it if you would respond to the constituent's concerns in an expeditious manner and in accordance with all applicable laws and regulations.

Please direct any correspondence concerning this inquiry to the constituent at:

Mariorie Haun

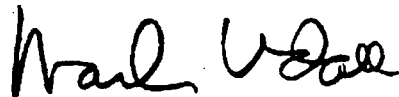
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Sen. Mark Udall
SH-328
Washington, DC 20510
Attention: Dan Fenn

Thank you for your assistance.

Sincerely,



Mark E. Udall
U.S. Senator

Senator Mark Udall

Washington Office:
Hart Office Building Suite SH-328
Washington, D.C. 20510

Dear Senator Udall


I am writing to express my disappointment and concern over the depths to which the deep pocketed lawyers of the radical fringe environmental movement will descend in their attempts to kill jobs and energy production.

I read in the news how the lawyers for the opponents of the Pinon Ridge uranium mill incredulously repeat the claim that they make in their frivolous lawsuit complaining about the issuance of a Radioactive Materials License from the State of Colorado, that there was no opportunity for a public hearing, or public comment. As I am sure they must be fully aware, there were no less than *Eight* public hearings, well more than what was required by law. The Sheep Mountain Alliance's claim to the contrary is a complete falsehood, and they know it.

And now it appears as though these same people may have co-opted a federal government agency into parroting their line. The Nuclear Regulatory Commission's letter contains the exact same fallacious claims as SMA's silly lawsuit. The letter is irrelevant – the licensing is a state issue – but shows to just what extent these groups will go to influence a lawsuit they have no hope of winning on legal merit.

To be opposed to energy production is one thing – it is a free country after all. But to fall to the level that Sheep Mountain Alliance and their legal machine have in their attempt to stop this mill is beneath contempt. It is even more troubling that an arm of the federal government might be complicit in these tactics.

Sincerely,



Marjorie Haun

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