

Norman, Yolande

From: Norman, Yolande
Sent: Monday, December 23, 2013 9:11 AM
To: 'sarah@uraniumwatch.org'
Cc: Persinko, Andrew; Chang, Lydia; Stokes, Tracey
Subject: RE: Docket No. 40-8907: Church Rock Mill - License Amendment 48

Dear Ms. Fields,

This email formally acknowledges the receipt of your email dated December 14, 2013. Thank you for bringing this matter to our attention for further review. We anticipate providing a formal response to the important issue which you have raised regarding the license amendment which was recently issued for the UNC Church Rock Mill Site.

Yolande Norman

*Yolande J.C. Norman, Project Manager
Division of Waste Management
and Environmental Protection
U.S. Nuclear Regulatory Commission
Mail Stop T-8F5
Washington D.C. 20555-0001
Tele: 301-415-7741
Fax: 301-415-5369
Email: Yolande.Norman@nrc.gov*

From: sarah@uraniumwatch.org [<mailto:sarah@uraniumwatch.org>]
Sent: Saturday, December 14, 2013 7:37 PM
To: Norman, Yolande
Cc: Persinko, Andrew
Subject: Docket No. 40-8907: Church Rock Mill - License Amendment 48

Dear Ms. Norman,

On September 13, 2014, Roy S. Blickwedel, Remedial Project Manager, Corporate Environmental Programs, United Nuclear Corporation (UNC), General Electric, submitted a License Amendment Request for Source Materials License SUA-1475 (Docket No. 40-8907) for the extension of the Church Rock Uranium Mill reclamation milestones in License Conditions 35.A(3), B(1) and B(2). The request was for the extension of the projected completion of groundwater corrective actions, placement of the final radon barrier, and erosion protection.

In response, the Nuclear Regulatory Commission (NRC) issued License Amendment 48, dated November 7, 2013.

I am unable to find a copy of a *Federal Register* Notice providing notice of the receipt of the milestone extension License Amendment Application and an opportunity for public comment and request for a hearing on the ADAMS docket for the Church Rock Mill. I was also unable to find such a notice in the NRC website list of *Federal Register* Notices between September 13 and November 7, 2013.

The NRC is required to provide an opportunity for public comment and request for a hearing on requests for extensions of milestones associated with the placement of the final radon barrier.

I refer you to 10 C.F.R. Part 40, Appendix A, Criterion 6A(2), which states (in part): "The Commission may approve a licensee's request to extend the time for performance of milestones related to emplacement of the final radon barrier if, after providing an opportunity for public participation, the Commission finds that the licensee has adequately demonstrated in the manner required in paragraph (2) of Criterion 6 that releases of radon-222 do not exceed an average of 20 pCi/m²s."

And, see Environmental Protection Agency (EPA) final rule, 40 C.F.R. Part 61, Subpart T, 59 Fed. Reg. 26301, July 15, 1994, which states (in part): "Additionally, NRC's final regulations in Criterion 6A provide for public participation consistent with the [1991] MOU and the settlement agreement. Such public participation will be provided through a notice published in the *Federal Register* including the opportunity for public comment on the proposed license amendment and the opportunity to request an informal hearing in accordance with the Commission's regulations at 10 CFR part 2, subpart L."

The EPA also expected the NRC to publish a *Federal Register* Notice (FRN) of the issuance of the amendment extending a reclamation milestone, in addition to a notice of receipt of the application.

Also, refer to the October 1991 Memorandum of Understanding (MOU) between the EPA, NRC, and NRC Agreement States, 56 Fed. Reg. 55434.

Other Church Rock Mill milestone extension requests were dated March 6, 2007 (License Amendment 39, dated April 23, 2007) and September 1, 2010 (License Amendment 44, December 8, 2010). I do not see any FRNs associated with these amendment requests and License Amendments.

If the NRC noticed an opportunity to comment and/or request a hearing on the September 2013 milestone extension request, please refer me to the notice and date.

If there was no FRN related to the September 2013 milestone extension request, I request that the NRC withdraw the November 7, 2013, License Amendment 48 to SUA-1475 and publish a FRN providing for public comment and opportunity to request a hearing on the September 13, 2013, UNC Church Rock Mill License Amendment Request.

Further, maybe someone in the NRC could explain to me the NRC's consistent pattern of indifference to the notice/comment/hearing opportunity niceties for license amendment requests for extension of enforceable reclamation milestones.

Sincerely,

Sarah M. Fields
Program Director
Uranium Watch
PO Box 344
Moab, Utah 84532
435-260-8384
sarah@uraniumwatch.org