



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

October 16, 2019

Ms. Harrilene Yazzie
Supervisory Environmental Protection Specialist
U.S. Department of the Interior
Bureau of Indian Affairs
Navajo Region
P.O. Box 1060
Gallup, New Mexico 87301

**SUBJECT: REQUEST TO BECOME A COOPERATING AGENCY ON THE NUCLEAR
REGULATORY COMMISSION'S ENVIRONMENTAL IMPACT STATEMENT
FOR THE CHURCH ROCK MILL SITE**

Dear Ms. Yazzie:

The U.S. Nuclear Regulatory Commission (NRC) received a license amendment request from United Nuclear Corporation (UNC) to amend its NRC license SUA-1475. In its request UNC is proposing to transfer approximately 1 million cubic yards of mine spoils from the Northeast Church Rock Mine to the Church Rock uranium mill site licensed by the NRC. The NRC is preparing an Environmental Impact Statement (EIS) in support of its review of this proposal.

The NRC received the Department of the Interior's (DOI) scoping comments dated April 19, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession number ML19133A315) related to this licensing action. The NRC staff understands from your letter that the DOI's Bureau of Indian Affairs (BIA) wishes to be a cooperating agency on the NRC's EIS.

During a phone call between NRC staff and DOI and BIA staff on June 26, 2019, the NRC staff discussed the BIA's request and outlined potential options for BIA participation in the NRC's National Environmental Policy Act (NEPA) review. The potential options discussed were: 1) become a formal cooperating agency, in which case a Memorandum of Understanding (MOU) would be developed to formally define the BIA's role in the NEPA process and identify which sections of the EIS the BIA staff would develop and/or review; or 2) become a commenting agency (also called a coordinating or consulting agency), in which case the NRC would share with the DOI/BIA the draft EIS for review and comment prior to publication.

While the NRC acknowledges the special expertise of the BIA on matters of concern to American Indian tribes and welcomes their participation in the NRC's NEPA process, consistent with our discussion during our June telephone call, the NRC requests that the BIA provide additional information to assist the NRC in better understanding what the role the BIA would undertake as a cooperating agency. We request that the BIA identify any permitting or other

authority it may have associated with the proposal before the NRC, and which parts of the EIS that it would assist the NRC in developing. Based on the information that the BIA provides, the NRC, as the lead agency for this review, can best assess whether a formal cooperating agency relationship is appropriate for this action.

To facilitate timely progress in the NRC's environmental review, please provide the information requested above to the NRC staff within 10 days of receipt of this letter. If you have any questions, please contact Ms. Ashley Waldron of my staff at (301) 415-7317 or Ashley.Waldron@nrc.gov. Thank you for your attention to this matter.

Sincerely,

/RA/

Cintha I. Roman, Chief
Environmental Review Branch
Division of Fuel Cycle Safety Safeguards
and Environmental Review
Office of Nuclear Material Safety
And Safeguards

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DATED: October 16, 2019

ADAMS Accession No.: ML19277E628

***via email**

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