



## Department of Energy

Washington, DC 20585

December 11, 2020

John Lubinski  
Director  
Office of Nuclear Material and Safeguards  
US Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Lubinski:

I appreciated the opportunity to discuss with you the challenges related to the final disposition of the "mine spoils," from the Northeast Church Rock mine. Specifically, the planned containment of this material in a permanent repository at the United Nuclear Corporation (UNC) site and transfer of the entire site to the Department of Energy, Office of Legacy Management (DOE) for Long-Term Surveillance and Monitoring. I understand this is the solution preferred by EPA Regions 6 and 9, Navajo Nation EPA and the New Mexico Environmental Department.

As I indicated in our earlier discussion, while the DOE had misgivings regarding the viability of the solution as indicated in our letter of October 19, 2020; we now believe adequate analysis has been performed demonstrating the solution is technically viable. Moreover, the DOE is willing to accept the transfer of the site as long as the details of the Regulatory oversight are established and documented so authorities and responsibilities are clearly defined. By clearly establishing the Regulatory convention, the DOE can, working with the established Regulator, generate realistic estimates of the sustainment and maintenance of the site to accurately inform estimates of long-term liability and prepare defensible, repeatable budgets.

I am pleased we will be meeting on December 16<sup>th</sup> to identify the remaining impediments to generating a final briefing paper setting forth the understanding of the three agencies regarding the long-term management of the Church Rock site. I look forward to being part of a solution that is transparent and workable. My point of contact for this matter is David Shafer, Deputy Director for Field Operations. Dr. Shafer can be reached at (303) 410-4806 or [david.shafer@lm.doe.gov](mailto:david.shafer@lm.doe.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Peter O'Konski".

Peter O'Konski  
Deputy Director  
Office of Legacy Management

Copy to:

GC-51 Steven Miller  
LM-1 Carmelo Melendez  
LM-20 David Shafer