



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

December 21, 2022

Michael Montgomery, Director,
Superfund and Emergency
Management Division
United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

SUBJECT: UNITED NUCLEAR CORPORATION LICENSE AMENDMENT REQUEST TO RELOCATE MINE WASTE FROM THE NORTHEAST CHURCH ROCK MINE SITE TO THE CHURCH ROCK MILL SITE, MCKINLEY COUNTY, NEW MEXICO.

Dear Michael Montgomery:

In April 2022, U.S. Nuclear Regulatory Commission (NRC) held two Commission Meetings in Gallup, New Mexico. One of the meetings discussed the 10-year plan of interagency actions to address the impacts of uranium contamination on the Navajo Nation. The external panelists included representatives from the Navajo Nation, the Red Water Pond Road Organization, U.S. Environmental Protection Agency, Spokane Tribe of Indians, U.S. Department of Energy, and the Utah Department of Environmental Quality. The panelists provided updates on, and lessons learned from, remediation activities at uranium mining and milling sites throughout the western United States, particularly, at the Northeast Church Rock Mine and United Nuclear Corporation (UNC) Mill sites. In the second meeting, the Commission met with members of the Navajo Nation community.

By letter dated August 25, 2022, the U.S. Environmental Protection Agency (EPA), provided an update to the NRC on the actions that EPA has taken since the April 2022 Commission Meeting (Agencywide Documents Access and Management System [ADAMS] Accession No. [ML22238A230](#)), including ongoing coordination with other Federal agencies, engagement with the local communities, and evaluating mine waste management solutions that are not on the Navajo Nation. The NRC staff appreciates the efforts undertaken by EPA to address the concerns raised by the Navajo Nation EPA and the local community.

After the April 2022 meeting, the Commission issued a staff requirements memorandum (SRM). The SRMs directed the staff not to issue the Final Environmental Impact Statement (FEIS) or the Final Safety Evaluation Report (FSER) until the Commission provides further direction in order to give the Commission and the NRC staff additional time to consider the UNC Mill Site proposal. Recently, the Commission has considered the UNC Mill Site proposal, concluded that it will not provide further direction to the staff, and directed the staff to proceed to take final action on the license amendment request, including issuance of the FEIS and the FSER (ADAMS Accession No. [ML22326A348](#)).

The staff has issued revision 1 of the FSER (ADAMS Accession No. ML22076A094). Going

forward, the staff will publish the FEIS in the *Federal Register*. After the required 30-day waiting period as required by Title 10 of the *Code of Federal Regulations* 51.100, "Timing of Commission action", the staff plans to make its final licensing decision and issue its Record of Decision. The total timeframe for processing of these actions is about 60 days.

The NRC staff looks forward to continuing its work with EPA as the mine waste relocation effort moves towards implementation.

A copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System component of the NRC's ADAMS. ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this letter, please contact Bill Von Till of my staff at (301) 415-0598, or by email at Bill.VonTill@nrc.gov.

Sincerely,



Signed by Lubinski, John
on 12/21/22

John W. Lubinski, Director
Office Of Nuclear Material Safety
and Safeguards

Docket No. 040008907

UNITED NUCLEAR CORPORATION LICENSE AMENDMENT REQUEST TO RELOCATE MINE WASTE FROM THE NORTHEAST CHURCH ROCK MINE SITE TO THE CHURCH ROCK MILL SITE, MC KINLEY COUNTY, NEW MEXICO. DATE December 21, 2022

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ADAMS Accession No.: ML22323A007

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