



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

February 15, 2023

Lance M. Hauer, P.E.
Legacy Site Team Leader - Remediation
General Electric
Global Operations - EHS
412 Creamery Way
Exton, PA 19341

SUBJECT: UNITED NUCLEAR CORPORATION LICENSE AMENDMENT REQUEST TO PLACE MINE WASTE FROM THE NORTHEAST CHURCH ROCK MINE AT THE CHURCH ROCK MILL SITE IN MCKINLEY COUNTY, NEW MEXICO (DOCKET NUMBER: 04008907)

Dear Lance Hauer:

The purpose of this letter is to notify you of the U.S. Nuclear Regulatory Commission (NRC) decision to issue an amendment to license SUA-1475. By letter dated September 24, 2018 (Agencywide Documents Access and Management System Accession Numbers [ML18360A424](#) and [ML18267A235](#)) United Nuclear Corporation (UNC), a wholly-owned subsidiary of General Electric (GE), submitted a request to amend its reclamation plan. This amendment request sought approval for construction of a repository to allow for disposal of mine-impacted soil and debris from the adjacent Northeast Church Rock Mine Site onto the existing NRC licensed mill tailings disposal area in McKinley County, New Mexico. UNC's request also seeks approval for safety improvements to the existing reclamation plan. These safety improvements are related to settlement, erosion, and the Pipeline Arroyo.

The NRC staff accepted UNC's license amendment request for review on December 21, 2018 ([ML19007A126](#)). The NRC staff published an opportunity for a hearing in the *Federal Register* on March 13, 2019 (84 FR 9148). No hearing requests were received.

The NRC staff has completed its review and documented its findings in a Safety Evaluation Report (SER), Revision 1, dated December 2022 ([ML22076A094](#)). In developing its SER, the NRC staff followed the guidance in NUREG-1620, "Standard Review Plan for the Review of a Reclamation Plan for Mill Tailings under Title II of the Uranium Mill Tailings Radiation Control Act of 1978, Revision 1." The SER documents the NRC staff's findings that the requested revisions to the reclamation plan are consistent with the applicable requirements of Title 10 *Code of the Federal Regulations* (CFR) Part 40 and Appendix A.

The NRC's guidance for disposal of non-11e.(2) byproduct material in uranium mill tailings disposal areas is contained in the NRC's Regulatory Information Summary (RIS) 2000-23, which is also included in Appendix I to NUREG-1620. As the Church Rock Mill tailings site will eventually transition to the U.S. Department of Energy Legacy Management (DOE-LM) for long-term surveillance, the guidance directs the NRC staff to obtain DOE-LM concurrence and commitment to take the site before approving the LAR. To facilitate this process, the NRC staff

provided the DOE-LM with the final SER on October 14, 2020 ([ML20273A247](#)). By letter dated December 11, 2020, the DOE-LM stated that it considers the mine waste relocation technically viable and provided its commitment to accept the transfer of the site ([ML20356A130](#)).

Pursuant to the requirements of the National Environmental Policy Act, the NRC staff prepared an Environmental Impact Statement (EIS) to assess the potential environmental impacts of this proposed action and reasonable alternatives. The Final EIS was published on January 4, 2023 ([ML22356A145](#)). The NRC's *Federal Register* notice for the EIS was published on January 13, 2023 (88 FR 2376). The NRC's Record of Decision documenting this licensing decision was published on February 15, 2023 ([ML23040A439](#)).

Amendment 58 to license SUA-1475 is included as Enclosure 1 to this letter. License conditions 30 and 34 were modified as a result of the NRC staff's safety review. License condition 37 has been added to require UNC compliance with the Programmatic Agreement under Section 106 of the National Historic Preservation Act ([ML22074A047](#)). The Programmatic Agreement was finalized on June 13, 2022 and is included in Appendix A of the Final EIS. UNC has reviewed and agreed to these conditions ([ML23046A140](#)).

In accordance with 10 CFR Section 2.390, "Public inspections, exemptions, requests for withholding," of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this letter or the enclosure, please contact James Smith at (301) 415-6103 or by e-mail to James.Smith@nrc.gov.

Sincerely,

/RA/

Bill Von Till, Chief
Uranium Recovery and Materials
Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Materials Safety
and Safeguards

Docket No. 40-8907
License No. SUA-1475

Enclosures:

1. License Amendment No. 58

cc: ListServ - UNC Church Rock