

**APPENDIX A
RECORDS TO BE RELEASED**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
1.	05/26/09	E-mail re NRC Congressional Affairs Contact from Wendy Adams (1 page)
2.	08/24/09	E-mail re NRC to Hold Public Meeting with National Institute of Standards and Technology from James Hague (11 pages)
3.	10/06/09	E-mail re NIST from James Hague (2 pages)
4.	10/25/09	E-mail re NRC Nureg Document from Matthew Bowen (1 page)
5.	11/20/09	E-mail re Hill Stop from James Hague (1 page)
6.	08/01/12	E-mail re Nuclear Regulatory Commission Awards Colorado State University Grants to Hire Faculty, Add Courses from Wendy Adams (2 pages)

**APPENDIX B
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTION</u>
1.	09/30/09	E-mail re: Briefing on Higher Burnup fuels from Matthew Brown (1 page) Ex 6
2.	08/09/12	Ltr from Senator mark udall to Rebecca Schmidt, OCA re: Proposed Pinon Ridge Uranium Mill (14 pages) Ex 6
3.	08/10/12	E-mail re: Constituent Correspondence from Wendy Adams (2 pages) Ex 6

Weil, Jenny

From: Adams, Wendy (Mark Udall) [Wendy_Adams@MarkUdall.senate.gov]
Sent: Tuesday, May 26, 2009 2:47 PM
To: Jenny Weil
Subject: RE: NRC congressional affairs contact

Thanks, Jenny!

From: Jenny Weil [mailto:Jenny.Weil@nrc.gov]
Sent: Tuesday, May 19, 2009 3:40 PM
To: Adams, Wendy (Mark Udall)
Subject: Re: NRC congressional affairs contact

Hi Wendy,

I'm new to NRC's congressional affairs office and wanted to let you know I will be following any issues at the former Fort St. Vrain nuclear power plant in Colorado and various other nuclear-related issues, such as low-level radioactive waste, uranium recovery, nuclear medicine and fuel cycle facilities.

If there is any information you need from the NRC, don't hesitate to contact me. Hopefully I will be able to stop by soon for a quick hello.

Looking forward to working with you,

Jenny

*Jenny Weil
Congressional Affairs Officer
U.S. Nuclear Regulatory Commission
301-415-1691 (tel)
jenny.weil@nrc.gov*

Weil, Jenny

From: Hague, James (Mark Udall) [James_Hague@MarkUdall.senate.gov]
Sent: Monday, August 24, 2009 12:07 PM
To: Weil, Jenny
Subject: RE: NRC to hold public meeting with National Institute of Standards and Technology

Sounds good. We're in Hart 317.

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Monday, August 24, 2009 11:55 AM
To: Hague, James (Mark Udall)
Subject: RE: NRC to hold public meeting with National Institute of Standards and Technology

How about 3:15-3:30 p.m.?

From: Hague, James (Mark Udall) [mailto:James_Hague@MarkUdall.senate.gov]
Sent: Monday, August 24, 2009 11:54 AM
To: Weil, Jenny
Subject: RE: NRC to hold public meeting with National Institute of Standards and Technology

Yeah. That would be great. I have a 2 p.m. meeting but am free other than that.

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Monday, August 24, 2009 11:47 AM
To: Hague, James (Mark Udall)
Subject: RE: NRC to hold public meeting with National Institute of Standards and Technology

Hi Jimmy,

Will do. Are you around on Friday? I will be on the Hill and would like to stop by for a few minutes to introduce myself.

/Jenny

From: Hague, James (Mark Udall) [mailto:James_Hague@MarkUdall.senate.gov]
Sent: Monday, August 24, 2009 11:41 AM
To: Weil, Jenny
Cc: Adams, Wendy (Mark Udall)
Subject: RE: NRC to hold public meeting with National Institute of Standards and Technology

Jenny, thanks for letting our office know. Can you add me to your email list for similar announcements? I've recently taken over NIST issues for the senator. Thank you.

Sincerely,
Jimmy

Jimmy Hague | Legislative Aide | U.S. Senator Mark Udall | Hart 317 | Washington, DC 20510 | (202) 224-5941 | markudall.senate.gov

From: Adams, Wendy (Mark Udall)
Sent: Monday, August 17, 2009 5:23 PM
To: Hague, James (Mark Udall)
Subject: FW: NRC to hold public meeting with National Institute of Standards and Technology

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Tuesday, August 11, 2009 5:57 PM
Subject: Re: NRC to hold public meeting with National Institute of Standards and Technology

Hi all,

Just wanted to highlight a meeting that NRC has scheduled with National Institute of Standards and Technology (NIST) officials on Sept. 17 in Boulder, Colorado (see attached notice or pasted below).

At the meeting, the NRC staff plan to discuss the results of a special inspection following the June 9, 2008 plutonium contamination event at a NIST laboratory. As you probably know, a researcher broke a glass vial containing 0.25 grams of mixed plutonium isotopes -- plutonium sulfate (PuSO_4) -- and spilled a substantial portion on a bench and floor, causing the contamination.

In July 2008, NRC issued a "confirmatory action letter" (CAL), which confirmed NIST's commitments to stop using radioactive sources, conduct thorough dose assessments for individuals potentially exposed to the plutonium, ensure all personnel are trained on proper handling of radioactive material, conduct a root-cause analysis, and contract a third party to perform decontamination, among other activities to prevent another such incident.

You may recall that NIST last month sent a revised written report, the Final Status Survey Report, prepared by its contractor (EnergySolutions) on the results of the radiological surveys that took place following decontamination of the building. The NRC staff concluded that the decontaminated areas could be used at NIST's discretion ("unrestricted use"). The survey report addresses only one of the conditions in the CAL. The entire CAL will not be closed out until NRC assesses all of NIST's corrective actions.

NRC plans to issue a report on the special inspection team findings soon after next month's meeting in Boulder.

If you need additional information, please feel free to contact me. Also, if you or someone in your district office plans to attend the meeting, could you let me know?

Thanks,

Jenny

Jenny Weil
Congressional Affairs Officer
U.S. Nuclear Regulatory Commission
301-415-1691 (tel)
jenny.weil@nrc.gov

LICENSEE: Department of Commerce

National Institute of Standards and Technology (NIST)

DOCKET NO.: 030-03732

DATE & TIME: Thursday, September 17, 2009
2:00 p.m. (MDT)

LOCATION: Millennium Harvest House Boulder
1345 28th Street
Boulder, Colorado 80302

PURPOSE: The purpose of this public meeting is to discuss results of the NRC's special inspection of the plutonium contamination event that occurred on June 9, 2008, at the National Institute of Standards and Technology, Boulder, Colorado facility. (ADAMS ML092230138)

CATEGORY: This is a Category 1 Meeting: The public is invited to observe this meeting and will have one or more opportunities to communicate with the NRC after the business portion, but before the meeting is adjourned.

The Nuclear Regulatory Commission provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this meeting, or need this meeting notice or the transcript or other information from the meeting in another format (e.g., braille, large print), please notify the NRC's meeting coordinator. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

PARTICIPANTS:

<u>NRC</u>
Arthur Howell, Director, Division of Nuclear Materials Safety (DNMS), Region IV
Vivian Campbell, DNMS, Region IV
Richard Leonardi, DNMS, Region IV
James Thompson, DNMS, Region IV
Gerald Schlapper, DNMS, Region IV
Michael Vasquez, Division of Reactor Safety, Region IV

<u>NIST</u>
Richard Kayser, PhD, Special Assistant for Environment, Safety and Health

MEETING CONTACT: Vivian Campbell, NRC, RIV
817-860-8287
Vivian.Campbell@nrc.gov

AGENDA

PUBLIC MEETING TO DISCUSS THE NRC SPECIAL INSPECTION OF
THE PLUTONIUM CONTAMINATION EVENT ON JUNE 9, 2008

September 17, 2009

2:00 p.m.

Millennium Harvest House Boulder
Boulder, Colorado 80302

<u>Time</u>	<u>Topic</u>	<u>Speaker</u>
2:00pm	Introductions/Opening Remarks	Arthur Howell, NRC
2:15pm	Preliminary Inspection Results	Vivian Campbell, NRC
2:45pm	Licensee Presentation	Richard Kayser, NIST
3:00pm	Question and Answer Session*	Michael Vasquez, NRC
4:00pm	Closing Remarks	Arthur Howell, NRC

*The public will be given opportunities to comment and ask questions before the meeting is adjourned.

NOTE: All times listed are approximate and for planning purposes only. Adjustments may be made during the meeting as necessary.

Weil, Jenny

From: Hague, James (Mark Udall) [James_Hague@MarkUdall.senate.gov]
Sent: Monday, August 24, 2009 11:54 AM
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Subject: RE: NRC to hold public meeting with National Institute of Standards and Technology

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Hi Jimmy,

Will do. Are you around on Friday? I will be on the Hill and would like to stop by for a few minutes to introduce myself.

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Sent: Monday, August 24, 2009 11:41 AM
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Cc: Adams, Wendy (Mark Udall)
Subject: RE: NRC to hold public meeting with National Institute of Standards and Technology

Jenny, thanks for letting our office know. Can you add me to your email list for similar announcements? I've recently taken over NIST issues for the senator. Thank you.

Sincerely,
Jimmy

Jimmy Hague | Legislative Aide | U.S. Senator Mark Udall | Hart 317 | Washington, DC 20510 | (202) 224-5941 | markudall.senate.gov

From: Adams, Wendy (Mark Udall)
Sent: Monday, August 17, 2009 5:23 PM
To: Hague, James (Mark Udall)
Subject: FW: NRC to hold public meeting with National Institute of Standards and Technology

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Tuesday, August 11, 2009 5:57 PM
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In July 2008, NRC issued a "confirmatory action letter" (CAL), which confirmed NIST's commitments to stop using radioactive sources, conduct thorough dose assessments for individuals potentially exposed to the plutonium, ensure all personnel are trained on proper handling of radioactive material, conduct a root-cause analysis, and contract a third party to perform decontamination, among other activities to prevent another such incident.

You may recall that NIST last month sent a revised written report, the Final Status Survey Report, prepared by its contractor (EnergySolutions) on the results of the radiological surveys that took place following decontamination of the building. The NRC staff concluded that the decontaminated areas could be used at NIST's discretion ("unrestricted use"). The survey report addresses only one of the conditions in the CAL. The entire CAL will not be closed out until NRC assesses all of NIST's corrective actions.

NRC plans to issue a report on the special inspection team findings soon after next month's meeting in Boulder.

If you need additional information, please feel free to contact me. Also, if you or someone in your district office plans to attend the meeting, could you let me know?

Thanks,

Jenny

Jenny Weil
Congressional Affairs Officer
U.S. Nuclear Regulatory Commission
301-415-1691 (tel)
jenny.weil@nrc.gov

LICENSEE:	Department of Commerce National Institute of Standards and Technology (NIST)
DOCKET NO.:	030-03732
DATE & TIME:	Thursday, September 17, 2009 2:00 p.m. (MDT)
LOCATION:	Millennium Harvest House Boulder 1345 28 th Street Boulder, Colorado 80302
PURPOSE:	The purpose of this public meeting is to discuss results of the NRC's special inspection of the plutonium contamination event that occurred on June 9, 2008, at the National Institute of Standards and Technology, Boulder, Colorado facility. (ADAMS ML092230138)

CATEGORY: This is a Category 1 Meeting: The public is invited to observe this meeting and will have one or more opportunities to communicate with the NRC after the business portion, but before the meeting is adjourned.

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Arthur Howell, Director, Division of Nuclear Materials Safety (DNMS), Region IV
Vivian Campbell, DNMS, Region IV
Richard Leonardi, DNMS, Region IV
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Gerald Schlapper, DNMS, Region IV
Michael Vasquez, Division of Reactor Safety, Region IV

<u>NIST</u>
Richard Kayser, PhD, Special Assistant for Environment, Safety and Health

MEETING CONTACT: Vivian Campbell, NRC, RIV
817-860-8287
Vivian.Campbell@nrc.gov

AGENDA

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THE PLUTONIUM CONTAMINATION EVENT ON JUNE 9, 2008**

September 17, 2009
2:00 p.m.

Millennium Harvest House Boulder
Boulder, Colorado 80302

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Weil, Jenny

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Jenny

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U.S. Nuclear Regulatory Commission
301-415-1691 (tel)
jenny.weil@nrc.gov*

LICENSEE: Department of Commerce
National Institute of Standards and Technology (NIST)

DOCKET NO.: 030-03732

DATE & TIME: Thursday, September 17, 2009
2:00 p.m. (MDT)

LOCATION: Millennium Harvest House Boulder
1345 28th Street
Boulder, Colorado 80302

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PARTICIPANTS:

NRC	
Arthur Howell, Director,	
Division of Nuclear Materials Safety (DNMS), Region IV	
Vivian Campbell, DNMS, Region IV	
Richard Leonardi, DNMS, Region IV	

James Thompson, DNMS, Region IV
Gerald Schlapper, DNMS, Region IV
Michael Vasquez, Division of Reactor Safety, Region IV

<u>NIST</u>
Richard Kayser, PhD, Special Assistant for Environment, Safety and Health.

MEETING CONTACT: Vivian Campbell, NRC, RIV
817-860-8287
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AGENDA

PUBLIC MEETING TO DISCUSS THE NRC SPECIAL INSPECTION OF THE PLUTONIUM CONTAMINATION EVENT ON JUNE 9, 2008

September 17, 2009
2:00 p.m.

Millennium Harvest House Boulder
Boulder, Colorado 80302

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2:15pm	Preliminary Inspection Results	Vivian Campbell, NRC
2:45pm	Licensee Presentation	Richard Kayser, NIST
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4:00pm	Closing Remarks	Arthur Howell, NRC

*The public will be given opportunities to comment and ask questions before the meeting is adjourned.

NOTE: All times listed are approximate and for planning purposes only. Adjustments may be made during the meeting as necessary.

Weil, Jenny

From: Hague, James (Mark Udall) [James_Hague@MarkUdall.senate.gov]
Sent: Tuesday, October 06, 2009 11:07 AM
To: Weil, Jenny
Subject: RE: NIST

I can't find my blue book. I must have deep buried it in one of the piles on my desk. Can you drop another copy off the next time you're on the Hill? Thanks.

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Wednesday, September 30, 2009 2:33 PM
To: Hague, James (Mark Udall)
Subject: RE: NIST

Hi Jimmy,

I apologize for the late response! I went to a conference and training session this month but am not back in the office for some time. I haven't forgotten your question and mean to get to the bottom of it. There are a few ways to interpret process -- licensed activities before receiving the plutonium, the process for procuring the plutonium, or the process for evaluating the use of the plutonium. Am I getting closer?

I'll give you a call to chat about it.

Thanks,

Jenny

From: Hague, James (Mark Udall) [mailto:James_Hague@MarkUdall.senate.gov]
Sent: Tuesday, September 08, 2009 8:52 AM
To: Weil, Jenny
Subject: RE: NIST

Thanks, Jenny. My question about the samples was whether NRC would be looking at the process prior to NIST receiving the samples to see if there are any problems there. I believe NIST was expecting to receive a solid sample but got a powdered sample.

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Friday, September 04, 2009 7:13 PM
To: Hague, James (Mark Udall)
Subject: Re: NIST

Hi Jimmy,

Thanks for taking time last week to meet with me. Always nice to match up a name and face.

I wanted to follow up on our discussion of NIST. As you know from your visit to the site, NIST has made significant changes in the organization since the mixed plutonium spill in June 2008. NRC does not get involved in management changes/selections. But the agency does set out criteria that must be satisfied by radiation safety officers (RSOs). Licensees must designate an RSO on the license.

The Confirmatory Action Letter (CAL) that NRC issued July 2, 2008 has not been closed out, even though NIST has cleaned up the contaminated areas. The CAL will remain open until the NIST corrective actions have been assessed through further follow-up inspection. Also, NRC is considering enforcement action regarding NIST's performance leading up to, and in response to, the contamination event. No final decision yet on enforcement action. But NRC will issue an inspection report that will identify apparent violations. That report will be made public once it is completed, soon after the upcoming Sept. 17 meeting.

The preliminary findings and conclusions of the special inspection will be discussed at the public meeting. One NRC staffer told me there will be discussion of the root cause analysis (including the direct and contributing causes of the event), radiological consequences, and NIST's corrective actions.

NIST has spoken with NRC about terminating its NRC license but has not yet filed a request. NRC would not terminate a license until the licensee has demonstrated everything has been cleaned up (apparently a lengthy process because this requires an historical look at all the materials that had been used on the site). NIST has been at the site since the 1960s and used various isotopes. I'm told that NIST is not using any licensed material at this time (Item #3 in the CAL imposed certain conditions before it could use these materials -- see attached pdf).

I'm told NIST is no longer using any licensed material (meaning material under a "specific license") at the Boulder site. It is using gas chromatographs (which is "generally licensed" material). The blue Information Digest book I gave you should have a description of gas chromatography on page 62.

I think you had asked about samples at the lab? Sorry, my notes are indecipherable. If I haven't answered your question, let me know and I'll find out.

Have a good holiday weekend,

Jenny

Jenny Weil
Congressional Affairs Officer
U.S. Nuclear Regulatory Commission
301-415-1691 (tel)
jenny.weil@nrc.gov

Weil, Jenny

From: Bowen, Matthew (Mark Udall) [Matthew_Bowen@MarkUdall.senate.gov]
Sent: Sunday, October 25, 2009 5:11 PM
To: Weil, Jenny
Subject: RE: NRC Nureg document

Jenny,

Thanks again for this.

Matt

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Thursday, October 01, 2009 2:45 PM
To: Bowen, Matthew (Mark Udall)
Subject: Re: NRC Nureg document

Hi Matt,

Here is the link to chapter 4 of NUREG-0800 (Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition — Reactor):

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/ch4/>

In particular, three sections may be most noteworthy for your purposes: 4.2 (Fuel System Design); 4.3 (Nuclear Design) and 4.4 (Thermal and Hydraulic Design).

[The link for the full NUREG is: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/>.]

If you have follow-up questions as you dig in more on this topic, I can set up another telecon with Paul Clifford (senior technical advisor for nuclear fuel) or we could brief you in person.

/Jenny

Jenny Weil
Congressional Affairs Officer
U.S. Nuclear Regulatory Commission
301-415-1691 (tel)
jenny.weil@nrc.gov

Weil, Jenny

From: Hague, James (Mark Udall) [James_Hague@MarkUdall.senate.gov]
Sent: Friday, November 20, 2009 1:28 PM
To: Weil, Jenny
Subject: RE: Hill stop

Sounds good. I'll be available for most of the afternoon.

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Friday, November 20, 2009 10:10 AM
To: Hague, James (Mark Udall)
Subject: Re: Hill stop

Hi Jimmy,

I promised to bring the latest NRC Information Digest to you next time I was on the Hill. I will be there this afternoon and plan to stop by to drop it off.

/Jenny

Jenny Weil
Congressional Affairs Officer
U.S. Nuclear Regulatory Commission
301-415-1691 (tel)
jenny.weil@nrc.gov

Weil, Jenny

From: Adams, Wendy (Mark Udall) [Wendy_Adams@MarkUdall.senate.gov]
Sent: Wednesday, August 01, 2012 3:20 PM
To: Weil, Jenny
Subject: RE: Nuclear Regulatory Commission Awards Colorado State University Grants to Hire Faculty, Add Courses

Thanks!

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Wednesday, August 01, 2012 3:19 PM
To: Adams, Wendy (Mark Udall)
Subject: RE: Nuclear Regulatory Commission Awards Colorado State University Grants to Hire Faculty, Add Courses

Hi Wendy,

I apologize for that. I will check with staff to make sure you are on the list.

/Jenny

From: Adams, Wendy (Mark Udall) [mailto:Wendy_Adams@MarkUdall.senate.gov]
Sent: Wednesday, August 01, 2012 3:17 PM
To: Weil, Jenny
Subject: FW: Nuclear Regulatory Commission Awards Colorado State University Grants to Hire Faculty, Add Courses

Hi Jenny –

I don't think our office got notified about this grant ahead of time – can you please check to make sure we are on the correct lists? Apologies if I missed the email.

Thanks – Wendy

From: Emily.Wilmsen@ColoState.EDU [mailto:Emily.Wilmsen@ColoState.EDU]
Sent: Tuesday, July 31, 2012 9:45 AM
To: Shaddock, Pamela (Mark Udall)
Subject: Nuclear Regulatory Commission Awards Colorado State University Grants to Hire Faculty, Add Courses

Having trouble viewing this e-mail? [View it in your browser.](#) [Manage your subscription.](#)



For Immediate Release
Tuesday, July 31, 2012

Contact for Reporters:

Emily Narvaes Wilmsen

970.491.2336

Emily.Wilmsen@ColoState.EDU

Nuclear Regulatory Commission Awards Colorado State University Grants to Hire Faculty, Add Courses

FORT COLLINS - The Nuclear Regulatory Commission has awarded Colorado State University about \$600,000 to develop a statistics course and hire a radiochemistry scientist who can track how radioactive materials move in the environment.

The grants are designed to help CSU faculty prepare graduate students in radiological sciences careers in everything from the medical profession to geological sciences, said Professor Tom Johnson, one of three faculty members in the Radiation Protection and Measurements section of the university's Environmental Radiological and Health Sciences department.

Experts in the field are needed particularly in Colorado, which is known for large amounts of naturally occurring minerals that are radioactive, Johnson said.

"You're working with elements that come in small amounts and literally disappear over time," Johnson said. "Radiation is a paradox because it can cure cancer but it can also cause cancer.

"Colorado has high deposits of thorium, radium and potassium in the natural environment."

With the Nuclear Regulatory Commission grants, the department will hire a radiochemist who can study radioactive materials in soil, water and people, including such factors as how radioactive materials move in the environment.

Under a separate grant, Johnson is developing a statistics course for his students that will help them distinguish man-made radioactivity from naturally occurring radioactivity. Radioactive elements such as potassium 40 were created when the earth was formed and continue to exist in the environment, Johnson said.

The department, which is based in the College of Veterinary Medicine and Biomedical Sciences, is also funded to develop a course on "Monte Carlo modeling," which is a statistical method developed in the 1940s to calculate radiation doses.

-30-

Weil, Jenny

From: Bowen, Matthew (Mark Udall) [Matthew_Bowen@MarkUdall.senate.gov]
Sent: Wednesday, September 30, 2009 3:25 PM
To: Weil, Jenny
Subject: RE: Briefing on higher burnup fuels

Jenny,

Today has been crazy with the climate bill release. Am at my office desk until around 5, so feel free to call anytime. Thursday 11-1 and Friday 12-1 and 2:30-3:30 are open this week and next week is fairly open right now.

Thanks,

Matt

-----Original Message-----

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Tuesday, September 29, 2009 8:06 PM
To: Bowen, Matthew (Mark Udall)
Subject: Briefing on higher burnup fuels

Hi Matt,

We are still trying to track down someone to brief you on this. I don't think it will come together tomorrow. How does the rest of your day look? I will be back in the office tomorrow afternoon, but will have my Blackberry with me. I'll give you a call tomorrow afternoon.

Jenny

Sent from a Blackberry

Jenny Weil

(b)(6)

e-6

EDO Principal Correspondence Control

FROM:

DUE: 08/09/12

EDO CONTROL: G20120504

DOC DT: 06/27/12

FINAL REPLY:

Senator Mark E. Udall
(5 Constituent Letters)

TO:

Schmidt, OCA

FOR SIGNATURE OF :

** GRN **

CRC NO: 12-0328

Borchardt, EDO

DESC:

Proposed Pinon Ridge Uranium Mill
(EDATS: SECY-2012-0359)

ROUTING:

Borchardt
Weber
Johnson
Ash
Mamish
OGC/GC
Satorius, FSME
Collins, RIV
Zobler, OGC
Schmidt, OCA

DATE: 07/13/12

ASSIGNED TO:

CONTACT:

EDO

Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20120505. Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). FSME and Region IV to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

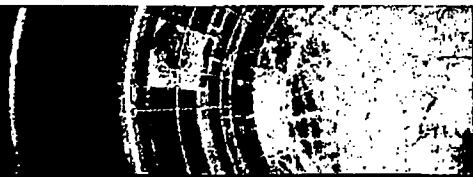
Template: SECY-017

E-RIDS: SECY-01

B2

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2012-0359

Source: SECY

General Information

Assigned To: OEDO

OEDO Due Date: 8/9/2012 11:00 PM

Other Assignees:

SECY Due Date: 8/13/2012 11:00 PM

Subject: Prposed Pinon Ridge Uranium Mill

Description:

CC Routing: FSME; RegionIV; OGC; OCA

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20120504, LTR-12-0328

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

Action Type: Letter

Priority: Medium

Signature Level: EDO

Sensitivity: None

Urgency: NO

Approval Level: No Approval Required

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Ref. G20120505. Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). FSME and Region IV to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

Document Information

Originator Name: Senator Mark E. Udall

Date of Incoming: 6/27/2012

Originating Organization: Congress

Document Received by SECY Date: 7/13/2012

Addressee: Schmidt, OCA

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jul 13, 2012 10:40

PAPER NUMBER: LTR-12-0328

LOGGING DATE: 07/13/2012

ACTION OFFICE: EDO

AUTHOR: SEN Mark Udall

AFFILIATION: CONG

ADDRESSEE: Rebecca Schmidt

SUBJECT: Constituent Correspondence - provides 5 letters concerning the proposed Pinon Ridge uranium mill

ACTION: Signature of EDO

DISTRIBUTION: OCA to Ack.

LETTER DATE: 07/27/2012

ACKNOWLEDGED No

SPECIAL HANDLING: Constituent Correspondence.

NOTES:

FILE LOCATION: ADAMS

DATE DUE: 08/13/2012

DATE SIGNED:

EDO --G20120504

MARK UDALL
COLORADO

SUITE SH-328
SENATE HART OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5941

United States Senate

WASHINGTON, DC 20510

June 27, 2012

Nuclear Regulatory Commission
Director, Office of Congressional Affairs
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Congressional Liaison,

Enclosed please find a letter from my constituent concerning the proposed Pinon Ridge uranium mill. I would appreciate it if you would respond to the constituent's concerns in an expeditious manner and in accordance with all applicable laws and regulations.

Please direct any correspondence concerning this inquiry to the constituent at:

James Fletcher

#6 [b](6)

Please also send a copy of your letter to my office at:

Sen. Mark Udall
SH-328
Washington, DC 20510
Attention: Dan Fenn

Thank you for your assistance.

Sincerely,



Mark E. Udall
U.S. Senator

**Senator Mark Udall
Grand Junction Office
400 Road Avenue
Suite 110
Grand Junction, CO 81501**

**Washington Office:
Hart Office Building Suite SH-328
Washington, D.C. 20510**

Dear Senator Udall

The latest attempts by opponents of the Pinon Ridge uranium mill to circumvent the process and overturn the license properly issued by the State of Colorado, has taken a new and troubling twist, this time involving a federal agency.

As I am sure you are aware, a coalition of fringe environmental interests, joined by the resort town of Telluride, have brought a lawsuit against the State of Colorado, in response to the Colorado Department of Public Health and Environment having issued a Radioactive Materials License to the owners of the proposed mill.

The lawsuit is a baseless one, attempting to assert that the CDPHE failed to provide adequate opportunity for public input as required by law. The facts, as I am sure you are also aware, are to the contrary.

8 public hearings, far in excess of the two required by law, were held in the region -- including the town of Nucla, nearby to where the mill is to be built, and Telluride, which is 65 miles away -- and hours of testimony were recorded. The responsible state agencies, principally the CDPHE, did their duties, and followed the proper procedures, and the public -- especially the locals most directly affected -- were given the opportunity to offer their testimony and opinion. The fact that the majority of that testimony did not mesh with the positions of the plaintiffs does not mean that the opportunity to provide it was not offered.

That being so, it would appear that they next went for a bigger weapon to use -- the federal government. The Nuclear Regulatory Commission wrote a letter to Jeffery Parsons, of Western Mining Action Project, who is representing the Sheep Mountain Alliance in court, essentially telling him that the NRC agreed with their claim, and implying that "corrective action" would be taken retrospectively against the license.

Not only, as pointed out above, is the letter wrong on the facts of the case, but it represents the worst sort of intrusion of the federal bureaucracy into state affairs. Licensing of nuclear related facilities in the State of Colorado is the sole

From:

03/29/2012 14:51

#018 P.011/011

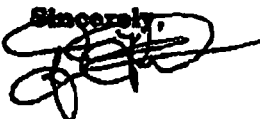
Energy Act of 1954. The NRC relinquished its authority over such licensing under the Agreement, and has no business trying to reassert it now.

Additionally, no determination of any need for "corrective action" was ever made by the CDPHE, nor, publically, by the NRC.

The NRC letter is also highly questionable insomuch as it interferes in an ongoing legal proceeding. The Sheep Mountain Alliance et al claim is before the courts, and the communication between the plaintiff's attorneys and a third party federal agency is suspicious enough to warrant further investigation.

I trust that your office will take this matter as seriously as many of your constituents do, and will look into any wrongdoing on the part of the NRC

Sincerely,



James Fletcher

#6
(b)(6)



MARK UDALL
COLORADO

SUITE SH-328
SENATE HART OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5341

United States Senate

WASHINGTON, DC 20510

June 27, 2012

Nuclear Regulatory Commission

Director, Office of Congressional Affairs

Nuclear Regulatory Commission

Washington, DC 20555-0001

Dear Congressional Liaison,

Enclosed please find a letter from my constituent concerning the proposed Pinon Ridge uranium mill. I would appreciate it if you would respond to the constituent's concerns in an expeditious manner and in accordance with all applicable laws and regulations.

Please direct any correspondence concerning this inquiry to the constituent at:

Gary Worthen

(b)(6)

Please also send a copy of your letter to my office at:

Sen. Mark Udall

SH-328

Washington, DC 20510

Attention: Dan Fenn

Thank you for your assistance.

Sincerely,



Mark E. Udall

U.S. Senator

Senator Mark Udall
400 Rood Avenue
Suite 110
Grand Junction, CO 81501

Hart Office Building Suite SH-328
Washington, D.C. 20510

Dear Senator Udall

I am writing in regards to the Pinon Ridge uranium mill project, and what I see as highly inappropriate conduct by the opponents of the mill.

As you are no doubt aware, the Colorado Department of Public Health and Environment is being sued by radical environmental groups including the Sheep Mountain Alliance and the resort town of Telluride, CO. The lawsuit revolves around what these groups see as a lack of public input into the State's licensing process.

This perception could not be farther from the truth. The CDPHE held several open, public meetings concerning the proposed mill, and recorded hours upon hours of public testimony, both in favor of and opposed to the licensing of the mill.

The fact is that in the hearings held closest to where the uranium facility is to be built, places like Paradox, Nucia and Montrose, the support for the mill was overwhelming. The people in these places, the ones who will be most directly affected by the mill, are the most supportive; they realize the positive socio-economic benefit that the mills construction will bring to their region, one of the poorest in the state. Only in wealthy resort communities over 60 miles away from the project was there much in the way of opposition, mainly by people like the Sheep Mountain Alliance lobbyists who had an agenda to push, but would not be affected by the mill in any way.

Now, knowing that their legal argument is weak, the environmentalists have apparently talked the federal Nuclear Regulatory Commission into intervening on their behalf. The letter sent by the NRC to the SMA's lawyers was an intrusion on state rights, as it is Colorado's responsibility to license nuclear facilities such as the mill in question, and also a backhanded attempt to influence litigation.

I would ask, as your constituent, to please look into the conduct of these groups, and the NRC, to determine if in fact there was cooperation, and if so, to hold to account those who attempted to misuse their power in an effort to push their own agenda.

Yours sincerely,


Gary Worthen,

#10
(b)(6)

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United States Senate

WASHINGTON, DC 20510

June 27, 2012

Nuclear Regulatory Commission
Director, Office of Congressional Affairs
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Congressional Liaison,

Enclosed please find a letter from my constituent concerning the proposed Pinon Ridge uranium mill. I would appreciate it if you would respond to the constituent's concerns in an expeditious manner and in accordance with all applicable laws and regulations.

Please direct any correspondence concerning this inquiry to the constituent at:

Arthur Gardner

#16 (b)(6)

Please also send a copy of your letter to my office at:

Sen. Mark Udall
SH-328
Washington, DC 20510
Attention: Dan Fenn

Thank you for your assistance.

Sincerely,



Mark E. Udall
U.S. Senator

From:

03/29/2012 14:50

#016 P.008/011

March 28, 2012

US Senator Mark Udall
Hart Office Building Suite SH-328
Washington, D.C. 20510

Dear Senator,

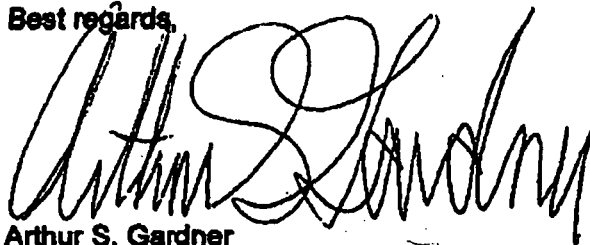
The Nuclear Regulatory Commission (NRC) is meddling in a state issue. Colorado Department of Public Health and Environment (CDPHE) has sole authority to license uranium processing facilities; nevertheless, the NRC wrote a March 6th letter, materially mischaracterizing CDPHE's discussion with NRC staff, to the attorneys representing Sheep Mountain Alliance, a coalition of environmentalist groups who are suing the state government for issuing a Radioactive Materials License to Energy Fuels, owners of the proposed Piñon Ridge Uranium Mill in western Montrose County.

NRC chose to get involved unilaterally without including the Department of Public Health and Environment (CDPHE), which is responsible for issuing said license and therefore is the appropriate and only agency, Colorado state or federal.

The NRC letter, responded to by CDPHE after Colorado's required submission date for briefs, appeared by its timing to exert influence in an active litigation by being sent 24 hours prior to Sheep Mountain Alliance's required submission date for briefs. This timing evidences an attempt to exert undue influence in an active Colorado state litigation.

I am asking you, representing Colorado as an elected federal government official, to look into NRC, a federal government agency, inappropriately attempting to exert undue influence over an active Colorado state litigation.

Best regards,



Arthur S. Gardner

(b)(6)

H6

MARK UDALL
COLORADO

SUITE SH-328
SENATE HART OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5941

United States Senate

WASHINGTON, DC 20510

June 27, 2012

Nuclear Regulatory Commission
Director, Office of Congressional Affairs
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Congressional Liaison,

Enclosed please find a letter from my constituent concerning the proposed Pinon Ridge uranium mill. I would appreciate it if you would respond to the constituent's concerns in an expeditious manner and in accordance with all applicable laws and regulations.

Please direct any correspondence concerning this inquiry to the constituent at:

Dennis White

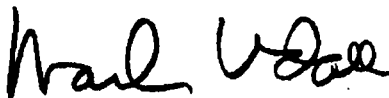
#6
[b)(6)]

Please also send a copy of your letter to my office at:

Sen. Mark Udall
SH-328
Washington, DC 20510
Attention: Dan Fenn

Thank you for your assistance.

Sincerely,



Mark E. Udall
U.S. Senator

From:

03/29/2012 14:50

#016 P.007/011

March 28, 2012

Senator Mark Udall
400 Rood Avenue
Suite 110
Grand Junction, CO 81501

Hart Office Building Suite SH-328
Washington, D.C. 20510

Dear Senator,

The actions taken by the Nuclear Regulatory Commission, or a staffer within, in relation to the licensing of a proposed uranium mill in the Paradox Valley area, are a matter of great concern. As you are no doubt aware, Colorado is an Agreement State, having entered into an agreement with the federal government to absorb all authority over the regulation of uranium mills from the NRC. The NRC specifically discontinued its regulatory authority and transferring it to the State of Colorado.

The letter written by Deborah Jackson Jeffery Parsons on March 8, 2012, violated this agreement, by A) intervening in the matter without authority, B) implying that a determination of "corrective action" had been made by the CDPHE or NRC, and C) by implying that such corrective action would be applied retrospectively to the previously issued license.

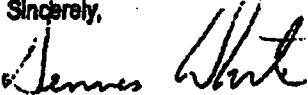
The NRC has no authority whatsoever to prescribe any such actions, and especially not retroactively. The NRC clearly exceeded its mandate by responding as it did. As well, any such communications should have been made on an agency-to-agency basis, and not involved direct communication between the NRC and a third party - especially when that third party is involved in legal actions against the CDPHE.

On that note, the timing of the letter made the interference even worse. Not only is there a legal battle over the issue ongoing, but plaintiff in the lawsuit, Sheep Mountain Alliance, the lawyer for whom was the recipient of the NRC's letter, did not need to file final briefs until well after receiving the letter. The CDPHE, on the other hand, had already been required to file their final briefs. Therefore, the NRC added the considerable clout of a federal government agency to their legal argument, even though that agency had no right or authority to intervene.

All of this is even disregarding the factual errors of the positions stated in Ms. Jackson's letter. In aping the Sheep Mountain Alliance's talking points, Ms. Jackson tries to substantiate their claim that the CDPHE violated statute by not allowing public input. In fact, there was more than adequate opportunity extended for such input, in the form of multiple public hearings, which actually exceeded the legal requirements.

The CDPHE acted properly throughout this process, a statement I cannot make in regards to the NRC. I would ask, as a constituent, that your office look into this matter,

Sincerely,



Dennis White

416
(b)(6)



United States Senate

WASHINGTON, DC 20510

June 27, 2012

Nuclear Regulatory Commission
Director, Office of Congressional Affairs
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Congressional Liaison,

Enclosed please find a letter from my constituent concerning the proposed Pinon Ridge uranium mill. I would appreciate it if you would respond to the constituent's concerns in an expeditious manner and in accordance with all applicable laws and regulations.

Please direct any correspondence concerning this inquiry to the constituent at:

Mike Bambino

#6 [(b)(6)]

Please also send a copy of your letter to my office at:

Sen. Mark Udall
SH-328
Washington, DC 20510
Attention: Dan Fenn

Thank you for your assistance.

Sincerely,



Mark E. Udall
U.S. Senator

From:

03/29/2012 14:50

#016 P.006/011

Sen. Mark Udall
Hart Office Building Suite SH-328
Washington, D.C. 20510

Dear Senator,

I was disgusted when I heard about the letter written by the NRC to the lawyers for the radical environmental group suing our state government over the issuing of a Radioactive Materials License to the owners for Pinon Ridge uranium mill.

Let's forget for a minute that the mill will provide hundreds of good jobs for the people of that beleaguered little corner of Colorado, and that the local residents where the mill is to be built overwhelmingly expressed support for it at the many public hearings that the radical Sheep Mountain Alliance and their friends in the NRC claim didn't happen. For a federal agency to stick its nose into the state's business the way they did, when they did, is contemptible.

If the NRC had some concerns over the way Colorado handled their licensing of uranium mills, they should have communicated them directly with the state agency involved, the CDPHE – certainly not with a third party involved in legal action against that agency. To have done so after the CDPHE filed their final briefs in the case, but before the plaintiffs did, amounts to direct interference in an ongoing legal proceeding.

This action on the part of the NRC is improper to say the absolute least. As a constituent, resident of Colorado, and a citizen, I ask that this be investigated, and someone held accountable for what the NRC did.

Signed,



Mike Bambino

416 [(b)(6)]

Weil, Jenny

From: Adams, Wendy (Mark Udall) [Wendy_Adams@MarkUdall.senate.gov]
Sent: Friday, August 10, 2012 5:31 PM
To: Weil, Jenny
Cc: Fenn, Dan (Mark Udall)
Subject: RE: Constituent correspondence

Thanks – you too.

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Friday, August 10, 2012 5:31 PM
To: Adams, Wendy (Mark Udall)
Cc: Fenn, Dan (Mark Udall)
Subject: RE: Constituent correspondence

Hi Wendy,

Thanks for your feedback. I will pass your request along to my boss.

Have a good weekend,

Jenny

From: Adams, Wendy (Mark Udall) [mailto:Wendy_Adams@MarkUdall.senate.gov]
Sent: Friday, August 10, 2012 5:30 PM
To: Weil, Jenny
Cc: Fenn, Dan (Mark Udall)
Subject: RE: Constituent correspondence

Thanks for the call. We would prefer if the NRC could respond directly to the Colorado constituent, as was originally requested by the Senator made. This would be faster and more efficient, ensuring that our constituent gets a response as soon as possible. This is also how other agencies who we work operate.

Thanks – Wendy

From: Weil, Jenny [mailto:Jenny.Weil@nrc.gov]
Sent: Thursday, August 09, 2012 3:03 PM
To: Adams, Wendy (Mark Udall)
Subject: Re: Constituent correspondence

Hi Wendy,

Just left you a VM. Call me at 301-415-1691 to discuss the Aug. 6 letter responding to questions from your constituents.

/Jenny

*Jenny Weil
Congressional Affairs Officer
U.S. Nuclear Regulatory Commission
301-415-1691 (office)*

(b)(6) (BlackBerry)
jenny.weil@nrc.gov

26