

Kendy

PRELIMINARY NOTIFICATION

October 15, 1979

PRELIMINARY NOTIFICATION OF EVENT OR UNUSUAL OCCURRENCE

This preliminary notification constitutes EARLY notice of event of POSSIBLE safety or public interest significance. The information presented is as initially received without verification or evaluation and is basically all that is known by NMSS staff on this date.

Facility: United Nuclear Church Rock Uranium Mill
Church Rock, New Mexico

Subject: Order to United Nuclear to Not Generate Additional Byproduct Material (Tailings) At Its Church Rock Uranium Mill Until Notified By The NRC.

Discussion

Over the past few months, NRC has been performing full evaluations of both the geotechnical and contamination cleanup aspects of the tailings impoundment failure at the United Nuclear Church Rock Uranium Mill. Up to this point in time, NRC has not chosen to issue orders to the mill operator concerning operation of the mill or regarding cleanup operations. It was NRC's intention not to duplicate orders issued by the State. However, during the course of numerous telephone conversations with various officials of the State of New Mexico and of United Nuclear Corporation on October 12, 1979, the Nuclear Regulatory Commission (NRC) received varying and inconsistent reports as to whether immediate resumption of operation of the Church Rock Mill was contemplated. The NRC is presently unable to conclude that the operation of the mill (and consequently discharge of tailings) could be conducted with reasonable assurance of protection for the public health and safety.

Action

The NRC staff issued an order on the evening of October 12, 1979, to the effect that United Nuclear shall not generate additional byproduct material (tailings) at its Church Rock Mill until such time as the Director of Waste Management, Office of Nuclear Material Safety and Safeguards (NMSS) makes, and confirms in writing, a conclusion that the embankment is stable, thereby, assuring containment of the uranium tailings.

The staff has notified the following of the situation at Church Rock:

- Office of Inspection and Enforcement (I&E), Region IV and Headquarters
- Office of Congressional Affairs (CA)
- New Mexico Environmental Improvement Division
- New Mexico Governor's Office
- Environmental Protection Agency (EPA), Region VI, Dallas, Texas

Enclosure 1 contains a copy of the order.

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Follow Up

The NRC staff will complete its analysis of the tailings impoundment as soon as possible, and the Director of Waste Management, Office of Nuclear Material Safety and Safeguards (NMSS) will subsequently make the determination if the embankment is stable, thereby, assuring containment of the uranium tailings.

Contact: R.A. Scarano, WM/NMSS, x/4103

Distribution: Transmitted H St. 5:08 PM

Chairman Hendrie

Commissioner Gilinsky

Commissioner Kennedy

Commissioner Bradford

Commissioner Alcarne

S. J. Chilk, SECY
C. C. Kammerer, CA
(For Distribution)

Transmitted: MHRR 5:24

L. V. Gossick, LDO

R. G. Smith, EDO

J. J. Fouchard, PA

N. M. Haller, MPA

R. G. Ryan, SP

H. K. Shapar, CLD

P. Building

H. R. Denton, NRR

SS Building 5:24 PM

W. J. Dircks, NMSS

EW
V. Stello, I&E

(Mail)
J. J. Cummings, OIA
R. Minogue, SD

PRELIMINARY NOTIFICATION

TELEGRAPHIC MESSAGE

NAME OF AGENCY US NUCLEAR REGULATORY COMMISSION		PRECEDENCE ACTION: XXXXXX INFO:	SECURITY CLASSIFICATION UNCLASSIFIED
ACCOUNTING CLASSIFICATION	DATE PREPARED 10/12/79		TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input checked="" type="checkbox"/> MULTIPLE ADDRESS
FOR INFORMATION CALL			
NAME ROSS A SCARANO		PHONE NUMBER 427-4103	
THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
<p>TO:</p> <p>MR. D. D. TUBERVILLE</p> <p>4801 INDIAN SCHOOL ROAD, N.E.</p> <p>ALBUQUERQUE, NEW MEXICO 87110</p> <p>HONORABLE</p> <p>to; xMRx BRUCE KING, GOVERNOR</p> <p>ATTN: MR. BILL GIRON</p> <p>STATE CAPITOL BLDG</p> <p>SANTA FE, NEW MEXICO 87503</p> <p>Transmit attached document.</p>			
		SECURITY CLASSIFICATION	
PAGE NO.	NO. OF PGS.		

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

United Nuclear Corporation
(Church Rock Uranium Mill)

ORDER CONDITIONING LICENSE

I

United Nuclear Corporation (Licensee), owner-operator of the Church Rock Uranium Mill holds a general license under 10 CFR § 40.26 from the Nuclear Regulatory Commission for the receipt of title to, ownership of, or possession of byproduct material (uranium mill tailings) as defined in § 11a.(2) of the Atomic Energy Act of 1954, as amended by the Uranium Mill Tailings Radiation Control Act of 1978. This general license is issued pursuant to all the conditions in 10 CFR § 40.26, including § 40.26(c)(2), which provides that the general license is subject to "...any additional requirements the Commission may by order deem necessary." Although the Church Rock Uranium Mill also holds a specific license from the State of New Mexico pursuant to the State's agreement with the Nuclear Regulatory Commission under § 274 of the Atomic Energy Act of 1954, the Uranium Mill Tailings Radiation Control Act of 1978 requires that the NRC assume authority over uranium mill tailings in non-Agreement and Agreement States. See 44 FR 47192 (1979) "Implementation of the Uranium Mill Tailings Radiation Control Act of 1978."

II

On July 16, 1979, a breach occurred in the United Nuclear Corporation's Church Rock Uranium Mill Tailings Dam releasing to the environment about 100 million gallons of acidic tailings solution and 11 hundred tons of tailings solids. Subsequent evaluations of the probable cause of this accident indicate a large differential settlement of the dam causing cracking to occur. Internal erosion then occurred through the cracks with subsequent breaching of the dam. The NRC believes that a full evaluation of the remaining portions of the embankment for similar deficiencies is required before operations resume to assure there will not be a recurrence of this failure and the associated potential public health and environmental impacts. To perform this evaluation several requests for information were transmitted to

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the State with copies to the Licensee. Sufficient data to complete this evaluation has not yet been received. A list of the required information has been transmitted to the State and United Nuclear Corporation.

During the course of numerous telephone conversations with various officials of the State of New Mexico and of United Nuclear Corporation on October 12, 1979, the Nuclear Regulatory Commission received varying and inconsistent reports as to whether immediate resumption of operation of the Church Rock Mill was contemplated. The NRC is presently unable to conclude that operation of the mill (and consequent discharge of tailings) could be conducted with reasonable assurance of protection for the public health and safety.

III

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 40, IT IS HEREBY ORDERED THAT United Nuclear Corporation's use of the general license set forth in 10 CFR 40.26 be conditioned as follows: United Nuclear shall not generate additional byproduct material (tailings) at its Church Rock Mill until such time as the Director of Waste Management, Office of Nuclear Materials Safety and Safeguards makes, and confirms in writing, a conclusion that the embankment is stable, thereby assuring containment of the uranium tailings.

In light of the factors discussed in Part II, above, the Director of Waste Management has determined that the public health, safety or interest require that this action be effective immediately.

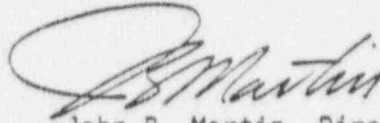
The Licensee or any interested person may (within twenty days of the date of this Order) file a request for a hearing with respect to all or any part of the condition imposed by this Order.

In the event a hearing is requested, the issues to be considered at such hearing shall be:

- (1) Whether the facts set forth in Part II of this Order are true.
- (2) Whether this Order shall be sustained.

Any request for a hearing will not stay the immediate effectiveness of this Order.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in dark ink, appearing to read "J. B. Martin". The signature is fluid and cursive, with a large initial "J" and "B" and a stylized "M".

John B. Martin, Director
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Dated at Silver Spring, Maryland,
this 12th day of October, 1979.