Department of Energy

Washington, DC 20585

October 19th, 2020

Ms. Patricia K. Holahan
Director
Division of Decommissioning, Uranium Recover, and Waste Programs
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Mail Stop T8 F5 Washington, DC 20555-001

SUBJECT: MINE WASTE PLACEMENT ON THE CHURCH ROCK NEW MEXICO, URANIUM MILL TAILINGS RADIATION CONTROL ACT TITLE II DISPOSAL CELL SITE

Dear Ms. Holahan:

We are in receipt of your letter dated October 14, 2020 concerning the following subject: Safety Evaluation Report for License Amendment Request, for the Former UNC Church Rock Uranium Mill and Tailings Site to Relocate Mine Waste. Based on the provided information, the Department of Energy (DOE) continues to object to the placement of non-11e.(2) byproduct material mine waste onto the 11e.(2) byproduct material tailings disposal area at the Church Rock Mill Site. This DOE position was previously stated on our letter dated March 9, 2018. DOE believes that any acceptance of and acquiescence to a license amendment request by the current Licensee will most likely aggravate and/or insert an unnecessary risk to DOE's long-term surveillance and maintenance of the site as well as pose a potential increase in the site's life-cycle cost baseline and environmental liability.

At this time, DOE cannot concur nor commit to eventually accepting the site with the mine waste. Pursuant to this effect, DOE will begin the notification process to the Office of Management and Budget (OMB) and appropriate jurisdictional Congressional Committees of its intention to drop from further planning and transition efforts the Church Rock Site. The site is planned for the Office of Legacy Management long term stewardship portfolio in the next five-year Future Years Energy Program (FYEP) covering 2023 to 2027.

DOE continues to share a commitment to stewardship, protection of human health and the environment, as well as a judicious planning and use of appropriated funds allocated to maintain legacy sites. We understand and respect your regulatory role and look forward to understanding the ultimate end-state and extend of our responsibilities regarding the Church Rock site. Thank you for your attention of this matter. Please contact Dr. David Shafer, david.shafer@lm.doe.gov, for any further discussions and/or clarifications.

Sincerely,

Carmelo Melendez
Director
Office of Legacy Management

Carmelo Melendez
Digitally signed by Carmelo Melendez
Date: 2020.10.19 15:41:35 -04'00'