

**Public Comments on the  
Draft Environmental Impact Statement for the  
Disposal of Mine Waste at the United Nuclear Corporation  
Mill Site in McKinley County, New Mexico (NUREG-2243)**



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## **1 INTRODUCTION**

The U.S. Nuclear Regulatory Commission (NRC) prepared an environmental impact statement (EIS) as part of its environmental review of the United Nuclear Corporation (UNC) application to amend its Source Material License No. SUA-1475 for the former UNC Church Rock uranium mill site located northeast of Gallup, New Mexico. UNC requested that the NRC grant a license amendment that would allow disposal of Northeast Church Rock mine waste on top of the tailings impoundment at the UNC Church Rock Mill Site.

This document accompanies Appendix B of the final EIS, NUREG-2243, Environmental Impact Statement for the Disposal of Mine Waste at the United Nuclear Corporation Mill Site in McKinley County, New Mexico. The final EIS is available in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. ML22356A145. Appendix B of the EIS includes summaries of public comments received on the draft EIS and responses to those comments. This document contains the as-submitted text (i.e., unedited text or transcription) of each unique comment summarized in Appendix B of the EIS. Comments were submitted in writing and provided orally during comment meetings (recorded in a transcript).

Section 3 includes a series of tables that identify the commenters, their assigned commenter identification numbers, and the ADAMS accession numbers for their comment submittals. Approximately 31 of the written comment submissions were form letters. The NRC identified three form letter templates. The form letters were sponsored by William Snavelly (Correspondence Identifier 0026; ADAMS Accession No. ML21130A686), the Red Water Pond Road Community Association (Correspondence Identifier 0031; ADAMS Accession No. ML21140A427), and Molly Blakley (Correspondence Identifier 0071; ADAMS Accession No. ML21147A571). Identical comments contained in form letters were captured once; however, any additional comments contained in form letters were treated as unique comments. Table 1 contains a list of commenters who provided unique comment submissions (i.e., non-form letter submissions). The form letters are also included in Table 1, and the form letter authors are denoted as "Commenters, Multiple." Authors and ADAMS accession numbers for form letter submissions are identified in Tables 2 through 4, one table per form letter. The NRC received two letters with multiple signers and assigned a single ADAMS accession number for all authors. Tables 5 and 6 list the signers of these two letters.

The NRC organized comments according to subject area. Comment subject areas are listed in the Table of Contents by category. The organization of Section 2 of this document parallels the organization in the EIS Appendix B Sections B.2.1 through B.2.34.

The text of each comment is followed in [blue text](#) by the comment identification number (correspondence identifier-comment number) and the name of the commenter.

## **2 PUBLIC COMMENTS**

### **2.1 NNEPA Public Meeting Remarks**

#### **2.1.1 NNEPA Public Meeting Remarks**

**Comment:** Thank you, Chip. I provided to the listeners who I am, what I've done, a little bit in my work history, my involvement with uranium efforts across Navajo, and provided a brief explanation that we do have technical staff who have been involved on various levels with different types of environmental impacts throughout the Navajo Nation. And what we want to do is, we want to provide a listening piece, but also a mouthpiece, for the communities that are out there that may not completely understand or comprehend the context or subject matter that's being presented. So, with that, thank you, and I want to share that I do have several of my staff on the call with us. I have Valinda Shirley, our senior RPM. I have Elisa Arviso, our senior hydrologist. Lee Anna Martinez, also a senior RPM. Pam Maples, another RPM. Tennille Denetdeel, another RPM. And we also have our engineer, Mr. Danny Lee. And we also have our GIS analyst, Ms. Darlene Jenkins. Everybody on my team is aware firsthand what the impacts of these uranium mining events, uranium mill sites, what they've created in the sense of disharmony to our Navajo people. And so, as we continue to engage and discuss what the efforts will look like to address all of the longstanding issues, right now if we look at it by date, by history alone, we're looking at 80 years of impacts that need to be addressed. And so, we have a short time frame, in my opinion, to do this because we can't go on and let another generation be impacted adversely as they have been for the 80 years that this issue has been in place on Navajo land. And so, as we embark on this process to address not just the AUMs [Abandoned Uranium Mines], but work with our federal counterparts -- in this instance, the Nuclear Regulatory Commission -- in addressing the waste material at Northeast Church Rock, we want to flag that in this process we need to be mindful of who we are as indigenous people. We need to be mindful and be respectful of what our people have as the first guiding laws that lead the everyday life of all of our Diné people. We have those laws identified and they're enacted and, by name, they're called Fundamental Laws of the Diné. And these laws that -- different aspects of our lives are identified. The Diné traditional law. The Diné customary law. The Diné natural law. The Diné common law. Through these laws, it tells us how we need to exist with each other as well as the environment that we live in. And I think the simplest concept I can share in identifying what that means is there is a standing relationship that exists. There's a relationship that exists between each of us. When we identify ourselves through our friendships, we identify ourselves to the families that are out there. We then extend our kinship through that friendship that identifies how we address each other, how we respect each other. There is a certain methodology that's always respected and represented in those communicative efforts the way a mother and son talk, the way a father and son talk, the way we talk with our paternal grandparents as well as our maternal grandparents. There's a respectful manner that exists there. There is that methodology that's in place for us to listen as the grandchildren, as the son, as the daughter. And so, it's through this mechanism that we redefine and really reinforce that understanding of that respectful relationship. And so, it's through our own traditional laws that tell us that we should live in this manner. And if we don't, we're going to perpetuate any disbalance in our lives. The whole idea between -- behind the idea of including our own cultural way of life is to establish and maintain a true sense of balance in all that we do. That balance we often refer to as hózhó. There's not a singular word that I can give you for the translation of hózhó, but in the context of what we're talking about here it is balance. And I use that because when we throw each other off with disrespectful conversation, disrespectful relationships, then that balance is gone. We can't build off of it. We can't do that. So, there's -- that's where it begins. It begins with that respectful relationship between us as Diné people. It

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further goes out to who we interact with. We call ourselves the five-fingered people, BÍla'ashla'ii. That's what we refer to ourselves as Diné people. And so, there is a respectful relationship that needs to be identified and respected, and that's between all races of -- races of every color. Whoever we're working with, that respectful relationship should exist there as well. And then, of course, the environment itself. Mother Earth and all of its inhabitants that we share the environment with, including the air, including the skies, including the sun, the moon. All of this is defined in our tribal laws that are identified, by name, the Declaration of the Foundation of Diné Law. So, the laws exist for us and oftentimes it's not something that we can sit in a classroom for the next year and explain to non-Navajos what it means. In most cases, it's an everyday event that we just grew up with. We were told certain things from the very earliest days of our lives to be respectful of Mother Nature, to be respectful of the animals that we share Mother Nature with. And so, it's with that sentiment that when we're talking with our communities, with our own Diné people, it's that mentality that we're sharing this information. So, again, I thank you all and please know that my staff and myself are here to listen in on behalf of the Navajo communities, on behalf of our Navajo Nation Government. And we're also here as a mouthpiece for our community members who may not know or have a clear understanding of what some of the content or even the context of the material being shared with us today will be. So, know that we're here to help. Thank you. (0001-1-5 [Yazzie, Dariel])

**Comment:** Our comment comes from Dariel Yazzie. Your line is open. MR. YAZZIE: Can you hear me? OPERATOR: Yes. MR. YAZZIE: Perfect. I guess as we start to wrap up here, I want to circle back and for the NRC members hosting this call, hosting this event, you know, there's a clear reason why when I opened up with my comments, my emphasis was on the respectful relationships. And I think it needs to be identified through this process. A lot of what you've heard from comments, from questions, from perceptions, and it's not just Navajos, it's those individuals that are non-Navajo that have called in, but they've been involved in one way or another over the years with the dialect that has been going back and forth all of these years in addressing these sites. And it's clear to them and it's definitely clear to us that there's something missing. But it's through my recognition of wanting to perpetuate the idea of maintaining a respectful relationship. I reach out to all of you and ask that you give hard thought to everything shared. Some of the key words that were shared, like social injustice. Our engineer, Mr. Danny Lee asked why was the Love Canal cleanup expedited? And I know and I understand that was led by a different agency. But in the grand scheme of cleanup efforts throughout the country, we as Navajo people, Diné people, indigenous people, we can't help but see that perhaps because we're not of the Anglo race we don't have the high dollar political position or influence to bring about cleanup to happen immediately that we suffer, and that's another key word, suffer, 80 years. My senior environmental specialist, Vivian Craig, shared a personal story. At the beginning of this call, I said that's what my staff have. They all have a personal connection to all of this. Ms. Leona Morgan shared different scenarios with other people throughout the Navajo Nation. Not just in the Church Rock area, but across Navajo where we continue to deal with these issues that are longstanding and go beyond just the mine waste, the mill waste. It's been there for so long. It's seriously a disaster area that we're embarking to address. And comments made indicating that this EIS, this draft EIS would appear to be nothing more than a regurgitated formality. Is that the perception that NRC wants to put forward in addressing this? I ask that simple question because that's where we need to change the dialect that we're having. Clearly, you have concerned people on this call, concerned Navajo people, concerned non-Navajo people, who simply listen and have been able to understand what all of this is. Can we move forward with a respectful manner of addressing this? And not just go through another formality where we've not had the turnout that we truly need to capture the impacts, the comments, what we don't see through the science data that's gathered, the traditional impacts. What ceremonies existed in this area? How was the area utilized prior to the mining activities? What was lost?

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Now some of these things can't be replaced. I understand that. But this is where we open that door for a truly different manner of communicating. And I strongly close with my comments to give it hard, serious thought on what it's going to mean to have respectful relationships with Navajo community members that are impacted in this area. And, again, it goes beyond just this one area, where we're talking the whole entire Navajo Nation. I say it in this manner because I believe it can be done. Those were the words that were provided to me as a young person that we can always make forward progress through the respectful relationships that we built. I believe that. But it's going to take more than just us saying that we believe it on our end. We need to have the other side of the relationship see and understand what we're talking about and truly engage with us at a higher level. We are more than willing to put in the work to help you understand or get a better understanding of why we say what we say to give you an understanding of why we bring out the different examples that we share, why we say it needs to go completely off of Navajo. This past year, I think I've been in several conversations where waste was identified to be Navajo waste. It's not Navajo waste. We didn't ask for it. We definitely didn't approve it. So those are my comments. To the community members, (Diné language spoken). Thank you for being with us the past several hours and listening. Let us continue to help you where we can. My staff have been reaching out to me during this entire call and offering to provide assistance in capturing comments, collecting comments, reading and understanding the documents. And I want to convey that at this level, that we're here for our Navajo communities to help and assist in that manner. Thank you. Ahéhee'. (0001-21-1 [Yazzie, Dariel])

**Comment:** MR. YAZZIE: Okay. Perfect. Good afternoon, everyone. Thank you again for providing the Navajo Nation as a whole and specifically the community an opportunity to hear of what the proposed work is that's going to happen and what -- the proposed current state of this EIS, what it looks like and sharing with us what's happening in the front lines with the work that's happening at your level. And we appreciate that being shared with us here on Navajo. Let me introduce myself first and foremost. (Native language spoken.) MR. YAZZIE: To the NRC, to John, for your opening remarks, thank you. Ashley, I look forward to again listening to what the NRC is going to provide to us in a detailed report. And I know my partner here in crime times, Chip Cameron -- I give a lot of credit to this man for his role and what he does and I value his opinion and the insight that he shares with me on the work that we're doing based on what he's seen and what he's done. So that means a great deal to me in what we're taking on here at the Navajo Nation. And I listen to him talk and he'll introduce me as someone who has this vast amount of knowledge with our indigenous knowledge, and to be honest, I'm not a medicine man, I'm not as well-informed as I would like to be, as I'm still learning. And so it is through my limited teachings that I share a lot of the comments that I have. It's through the ongoing research and open dialogue that we have with our tribal leaders as well as our traditional practitioners, those that we know personally that help us and guide us through our day-to-day events, and it's with this knowledge that I offer this up again as we start the basis of how we communicate, the basis of really how we live together on this beautiful planet that we call Mother Earth is really respecting that concept that she is our mother. And everything that is of her is what we share this environment with and should be respected at a very high level. That respect should include the understanding that we're not better than the four-legged creatures, that we're not better or somehow more important than the winged creatures that we share the environment with, or even the plant species that we often refer to in most cases through our collection for medicinal use. We refer to them as our grandparents. And so the connection is deep with everything that we do within this environment. I was on a call today about a plant study and identifying what that looks like, and to go into doing such a study the initial step of collecting plants has to be identified in such a specific distinct manner where the protocol has to be identified from a Navajo perspective before we go out there so that we don't create any other

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negative issues. We look at this uranium issue that we're dealing with right now. That protocol of taking something from Mother Earth wasn't followed. There wasn't a clear intent that was conveyed to our mother to say I'm going to take this element from you and it's going to be used for this purpose and then an offering given. We always should offer something. And without that exchange this element was taken and utilized for war. That's a separate entity in itself. And so it's become a complicated process in addressing all of this. It might not make sense to a non-Navajo person, but to our Navajo community's residents the individuals that value their environment to that high regard of waking up each morning and making a corn pollen offering to start their day, this is important. This is important that we acknowledge it, that we recognize it, and through that process where we can begin in our discussions is understanding that there is a specific method that's identified for us in how we communicate. I shared it last week. That communication is one that's through respect for our Navajo people. We begin that respect with identifying ourselves through our clanships. That clanship helps us to understand how we can talk with each other, like a father and a son talking. If there's someone out there that's of my father clans or my mother clans, they can talk to me as a father and a mother would. And I hold that position respectfully as a son and I would listen. I wouldn't talk above them. And so it would be if someone identified themselves to be my paternal grandfather or my maternal grandfathers. That respect is there. And then it's also upon me when I identify someone who may be the same clans as my children. It's my position to talk to them in a manner where I'm teaching them, I'm providing them guidance. So that respectful relationship also carries onto how we interact with the environment. There's a specific manner how we talk to the earth. If I'm going to take something from her, I need to identify what intent I have for the use of whatever it is I'm taking and I offer something back. The conversations that we're having right now is also one that's been identified to us. That's how we communicate amongst ourselves as five-fingered people. Each and every one of you on this call look down and look at that hand that's holding your phone. Five digits. Both sides. All of us are five-fingered people. So there's a protocol that exists for how we should talk as well. Respectfully. At the closing of our last call I shared are we going to be given that opportunity to have a respectful conversation, because I would really be disheartened if we get everybody on the call to break away from everything that they're doing because they believe in this process, they believe that this is the time that it's going to -- their voices will be heard. Eighty years of having these impacts on our lands, it's hard for us not to believe that it's another U.S. Government ploy to just come and dictate to us and tell us what's going to happen without listening to us. It's hard for us not to think in that manner. And so I ask respectfully, knowing and understanding with what I've shared, that there -- this is a part of what we identify as our natural way of living, the natural laws that exist for us, that there should be respectful communications, respectful relationships that should exist at this level. This is a huge undertaking to address issues that have been standing for this long that have created health impacts to communities, to families as a whole, not just one family member, but several members in one family. So again, I thank you. I thank you for your time, I thank you for your efforts. That's all I've got. Thank you. (Native language spoken.) (0002-1-1 [Yazzie, Dariel])

**Comment:** Good afternoon, everyone, again. Thank you for the opportunity to have a discussion. You know, the intent here is to share information. The intent here from my role and my -- with my participation, with my group, and I -- in an understanding what's going to happen, what the proposed actions are going to be, you know, I shared in this call and the call last week that there was a specific manner we should look to follow in having these discussions. And that was to identify what we -- respectful relationships exist here. I think the idea of trying to find blame somewhere is gone. I think we already know. It's clear. It's evident. It's not a secret. My cheii, Chris Shuey said it. He shared it. The history is known. And so we shouldn't be dwelling on that aspect of this discussion, the aspect of blame. We're -- we know what has happened. We're already frustrated with trying to identify blame. We want to see action. And it's through

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these discussions now, and hopefully we're conveying this respectfully in a manner that will challenge you in your positions to hear this community out. Are the proposed options, are they feasible to Navajo? I think I can go out on a limb here and comfortably say, no, we don't feel like it is. Are there other options that we should bring to this discussion? Most definitely. Are there other events that can be addressed along with these actions? Most definitely. I hope this is the same information that you're capturing from NRC when we're talking about trying to decide on whether or not an amendment for this license will be provided. And I hope you're hearing that there's enough information here, there's enough desire for a broader, deeper discussion to really capture what needs to happen. The idea of having a respectful relationship with each other in addressing something that's this devastating to Navajo is one that I would hope any human being would come to any table with an open mind and open heart and think how can we help, how can we truly come to a place where we address these issues entirely. And maybe that's a separate question in itself. Can we do it entirely? From my perspective, wearing my Navajo Superfund hat, we utilize a regulation called CERCLA. And the first word that identifies what that regulation is is "comprehensive." In short, CERCLA is the polluter pays. So in understanding that, we know who's to blame. We know who the polluters are. In this sense, who else? Who else played a role in all of this that can truly help this community out, because it goes behind just the identified waste. What else has this monster that we created, that was created by taking something from the earth without proper protocol, utilizing it with intent to hurt, to harm, and in return, we ended up with a monster that's killing our people. Listen to the community that we're talking to today, this target community. Listen to the stories that they're sharing. Listen to what they have to share. What would help them to move forward? We don't know and we don't fully understand what that means without being in that position. Is this the right time to be having this dialect? Are we following that protocol of having respectful relationships and having respectful discussions? Is it the right time right now? With everything else that's happening, are we really giving every opportunity to this community to be fully engaged, or are we trying to rush this through, because we keep saying that it's taking too long. Yes, I get it, it's a double-edged sword, but I can't stand back and believe that we don't have enough intelligent people on this call that can sit down and come up with a really truly viable solution that meets what the community wants, that meets entirely what the regulators are looking to to regulate with, and bring about a true solution. That's where, you know, I'm struggling with understanding this communication effort, because it's so evident that we're all struggling with it when we have people get aggravated, get agitated. That may not be the way we want to present ourselves. But you know what? It's real. (0002-11-1 [Yazzie, Dariel])

**Comment:** And if I may take off my Navajo Superfund hat and put on my Dariel Yazzie hat from Monument Valley, who lost both his paternal grandparents to cancer, is probably going to lose his father to cancer, but is fighting with all of the strength that he has to fight heart disease, to fight lung disease, to fight dementia, to fight, to fight, to fight, to fight, this man taught me how to fight. And in the same sense, he told me to be smart about how I do it. He told me that there's going to be a lot of things that I might not have in my corner to make it a fair fight but in most cases, fights aren't fair. They wouldn't be fights if they were. My team right now, through this executive order to stay home and work from home, we have staff that are identified to be essential staff who can get out and make some things happen, either from the office or make events happen in the field. We hear of COVID cases hitting our homes, closer and closer every day. It hit in my office two weeks ago. It walked in my house on Thanksgiving Day. I've been home since March. Most of this whole year, I've been home with a few days that I've been able to get out taking a chance knowing that COVID is out there, but taking that chance because there's -- there are activities that we need to engage in, because that's what we signed up to do. And I'm sitting here at home today, and I'm listening, and I'm thinking to myself, how do we get to that final place we want to be? I hope every comment, every opinion that was shared was

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captured. I hope NRC will reach out to Navajo EPA, reach out to our tribal leaders, President Nez, Vice President Lizer, our delegates, Speaker Damon. Can we get an audience with them? I guarantee you they've talked to the communities as well. They have the same firsthand knowledge and understanding of what these impacts are. Let's truly have a comprehensive conversation about this before we rush into any decisions. If a decision needs to be rushed to, I think that I feel comfortable saying it, that the community is asking don't grant the amendment to this license. We've not talked enough about this. We've not had a better discussion on what needs to happen. My friend, my chief Chris Shuey, shared a lot of historical information that captures the idea of why we shouldn't rush to this decision, because there's a lot that still hasn't been discussed comprehensively to come up with a comprehensive solution. With all due respect, I thank you for the opportunity to talk today. Thank you for the opportunity of hearing our communities, people who've engaged on behalf of Navajo, people who've spent numerous years trying to help us come up with some comprehensive solutions. But we can't get there unless we're all engaged in it. Let's continue to have these respectful communications. I say that from my position with the Navajo Nation government. I say that as a veteran, a citizen of the Navajo Nation who's been directly impacted by these uranium mining events. I don't know how long I'm going to have my dad, and for lack of a better way of phrasing it, it pisses me off that uranium mining activities happened, and there was supposed to be benefit. Benefit to who? To me? To my kids that won't have an opportunity to ask my dad the questions that they're going to come up with in later years? Who did it benefit? We are a people that are hurting. Don't brush us off as being difficult, combative, uncompromising. Recognize us as five-fingered people that you share this world with, that have families just as you do, that love, that laugh, that cry. Please hear our words. Please feel free to call me directly. Let's talk. Let's come up with a plan on when we can do this meeting in a manner that's respectful to this community. Let's reach out to every one of those community members and help and see if there's a way we can establish a way for them to have a computer in their home at a specific time when they're home and have them log on to a Teams event so that you can see them as they're talking to you, because they're not just voices traveling through the air, real people. I thank you all, respectfully. That's all I have to say. Thank you. (0002-11-2 [Yazzie, Dariel])

**Comment:** To NRC and our federal partners, I guess, based on some of the questions that we identified and the presentations themselves, I think there had been a person identified early on from NRC who was a liaison to Navajo. I think it would be worthwhile to have that liaison interact directly with the community members to identify what questions, what information that they felt was not included in this process and build upon that. I applaud you and I thank you for making the effort to make this event happen, but I think it's going to take a lot of back-to-back events like this to get the information out. And as you've heard from this community, they feel like they've been left out of these discussions and the focus had been entirely upon the Red Water Pond Road Community. And clearly, you have a group of people here that have opinions and have shared that they are directly impacted by these events. And we only have a small fraction representing that community with us today. So, on that note, I'd ask that we continue to make every effort to repeat this effort. And whoever your liaison is to the community, understanding and knowing that a lot of documents that are mentioned and referred to are oftentimes directed to other links that would require internet service, a lot of our family and relatives from the Pipeline Community Road don't have the luxury of going home and getting on the internet. So, I think it would be worthwhile to have the liaison prepare all of these documents in its entirety. Yes, I understand that it's a big set of documents, but that would be the place-starter to start sharing with the community members what is all included, so that there's a full, true understanding of what the events are. And I guess, on that note, I think it would be worthwhile to identify -- one of the questions that was, or the comments stated at the very end about funding, identifying what the funding mechanism is for this action would be appropriate as well. And



those are my comments. Thank you, and I want to thank staff, Vivian and Lee Anna, for being there to help the community. (Native language spoken.) And also, to our federal partners that are here, that are regular partners, our Navajo partners, the NRC with the people you've brought on that were able to translate for us, (native language spoken). The effort that we're putting forth is one that's a longstanding one and, really, it's at the root of where these families originate from, their home. And whatever we do, whatever we come up with, whatever remedy is selected, please keep in mind and understand that the comments that you get from the community, from the residents, are based on the simple fact that, at the end of the day, they will be the ones that live there. (0096-36-1 [Yazzie, Dariel])

## **2.2 Comments Concerning NEPA Process**

### **2.2.1 NEPA Process - EIS is Inadequate**

**Comment:** And then also reviewing your draft, too, and that's like -- to me it sounds like it was just a regurgitation of what somebody else had written. So nothing really specific and nothing really with a whole lot of meat on it, I was feeling, anyway. That's just a comment just based on what I was reading. (0001-18-3 [Lee, Danny])

**Comment:** I had read the Environmental Impact Report from front to back. And I'm really actually shocked that the language that is used in this report is very benign and innocuous. It kind of indicates that this isn't as serious of an issue as it is calling something that is a disaster an incident in the report. (0001-20-5 [Moe, Tammij])

**Comment:** Upon completion of our review of the Draft Environmental Impact Study (EIS) for the proposed Disposal of Mine Waste at the United Nuclear Corporation Mill Site, we have determined that it is both incomplete and severely lacking in the areas that were addressed in the study. Essential studies to the determination of an environmental impact were not included in the development of a path forward. These studies include current, relevant geology and hydrology studies; studies of maximum probable flooding, studies and a full understanding of the damage to the riprap alone in a single flash flood; seismic studies in conjunction with the numerous proposed engineered changes to the arroyo and the current impoundment structure, and a full, current and accurate toxicology study. (0083-1-1 [Navajo Nation Environmental Protection Agency])

**Comment:** A distinct lack of care is shown throughout the Draft EIS with whole sections missing, math being incorrect and even stated issues that are not fully addressed. (0083-2-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Multiple times within this document the conclusion is that impact is "SMALL" because the contamination already exists. The existing contamination is SIGNIFICANT and cannot be excused away as "SMALL" simply because the UNC and EPA have not addressed the issue properly. (0083-2-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Our Navajo Nation EPA Superfund Program has reviewed the Draft EIS, upon our review many questions and findings with comments and questions that illuminate the halfhearted approach taken to the preparation of this Draft EIS. It is both lacking important studies and those studies that are included are well outdated. (0083-2-10 [Navajo Nation Environmental Protection Agency])

**Comment:** The Department recommends that NRC re-evaluate the information that they relied upon for these impact categories below in relation to the proposed action, with their current designation in parentheses:

- Air Quality- Non greenhouse Gases (Small to Moderate)
- Noise (Moderate)
- Visual and Scenic Resources (Moderate)
- Occupational and Public Health (Small)
- Surface Water and Groundwater (Small to Moderate; Small)

From the information provided in the DEIS, it appears that the impacts may have been underestimated in these categories, and NRC might revisit them to consider whether Impacts to Air Quality- Non greenhouse Gases should be Moderate to Large; impacts for Noise, Large, impacts for Visual and Scenic Resources, Moderate to Large; impacts for Occupational and Public Health, Small to Moderate; and impacts to surface water and groundwater, Moderate to Large, and Small to Moderate. (0094-1-8 [King, Susan])

## **2.2.2 NEPA Process - Document Review Requests from NNEPA**

**Comment:** The Navajo Nation and local RWPRC have been "assured" that the engineered design for the tailings disposal on top of the current Tailings Repository structure have been done by "professionals" and are "incredible", yet no engineered plans have been released for review. These plans should be readily available for 3rd party review (0083-1-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 41, Section: 4, Document Page: pg. 4-2, Paragraph: 6 "UNC has already completed several evaluations & received multiple approvals." when were these evaluations reviewed, who approved, what year and where is notated. Where are these approvals of EPA CERCLA actions? Was it shared with all stakeholders involved? (0083-13-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 27-29, Section: 4, Document Page: pg. 4-3, Paragraph: 4 RCPP and SPCCP; where is this plan located to review? (0083-13-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 15-16, Section: 4, Document Page: pg.4-5, Paragraph: 2 implement an EPA approved RCPP - again where is this discussed, what year was it approved. If EPA approved it is contradicting what the previous pages indicated that NRC has approved RCPP and SPCCP, is it EPA approved or NRC approved? (0083-13-7 [Navajo Nation Environmental Protection Agency])

**Comment:** The design plan, the safety plan, the ROD, the BCPP, the RCP, the SWPPP are only a few of many not included in the DEIS. (0083-2-12 [Navajo Nation Environmental Protection Agency])

**Comment:** 46. The NNEPA cannot fully review the Draft EIS without first reviewing copies of the well logs, well reports, records, including water quality information/data, on the UNC we ll. When will these be provided to the NNEPA? (0083-31-5 [Navajo Nation Environmental Protection Agency])

**Comment:** 138. Where are the RCPP and SPCCP plans located for review? (0083-41-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 139. "UNC has already completed several evaluations & received multiple approvals." When were these evaluations reviewed, who approved, what year and where is notated? Where are these approvals of EPA CERCLA actions? Was it shared with all stakeholders involved? Please provide these documents for review. (0083-41-2 [Navajo Nation Environmental Protection Agency])

### **2.2.3 NEPA Process - Impact Analysis Timeframes**

**Comment:** Comment Number: 20-38, Section: 4, Document Page: pg. 4-1, Paragraph: 2 Time frame indicates 4 year time frame may extend beyond for some resource areas to allow consideration of potential long-term impacts. I think this needs to be highlighted to the community. They are under the impression this will happen in 4 years and the be done. (0083-12-15 [Navajo Nation Environmental Protection Agency])

### **2.2.4 NEPA Process - Community Disagreement with the Proposed Project**

**Comment:** And another thing that I'd like to say is how are these comments going to be addressed? Chip kind of answered that and said the NRC will be responding. In that nature, is this just another formality that the U.S. government is utilizing to follow as part of the formality, oh, we went about the public notice process. These are the comments that were created. But yet the solution or the authority consensus, that's not even agreed upon with the Navajo Nation, the Navajo people or the community. (0001-10-3 [Navajo Nation Environmental Protection Agency Superfund Program/Martinez-Silversmith, Lee Anna])

**Comment:** And to be clear, the Red Water Pond Road community, who are the impacted community, have spoken out against this license amendment and against moving approximately one million cubic yards of waste on top of the existing mill tailings. So again, I think that the final word should lie with -- excuse me -- should lie with the Red Water Pond Road community, with the impacted communities and not with the NRC. (0002-8-4 [Shaughnessy, Eileen])

**Comment:** I find it very disturbing to put out a comment that says if we don't come to a consensus to approve this, this is going to take an additional ten years. It's a very strong statement to make, in my mind a little inappropriate because it does put the perception out there of you either have to do this now or you're going to have to wait another ten years. I don't think that's the answer. (0024-2-1 [Yazzie, Dariel])

**Comment:** in terms of my comments on this process, it really sounds threatening to the community that if they don't accept this, you're just going to leave it in place. That's not okay, (0024-6-2 [Gordon, Susan])

### **2.2.5 NEPA Process - Intangible Impacts**

**Comment:** Comment Number: 4, Section: Executive Summary, Document Page: xxiii, Paragraph: N/A Environmental Impacts of the Proposed Action and Alternatives: "The NRC staff also recognizes that there may be intangible impacts felt by the Navajo Nation and the Red Water Pond Road Community that may not be fully captured in this EIS." How is this to be addressed? By simply ignoring it, which is currently being conveyed by NRC and USEPA. How about from a Navajo perspective as a living being that is a part of the environment? What will be the psychological, mental, emotional, spiritual and sociocultural impacts? (0083-16-3 [Navajo Nation Environmental Protection Agency])

**Comment:** 121. "The NRC staff also recognizes that there may be intangible impacts felt by the Navajo Nation and the Red Water Pond Road Community that may not be fully captured in this EIS." This appears to be a politically correct way of stating that the NRC has no intent in fully understanding the vast and myriad impacts from spiritual, social, and health standpoints that this action will have on the Red Water Pond Road Community. Please specify how this is to be remedied before this Draft EIS moves forward. (0083-39-6 [Navajo Nation Environmental Protection Agency])

## **2.2.6 NEPA Process - EIS Discussions About Red Water Pond Road Community**

**Comment:** And I urge you to respect their comments and their point of view since they are the ones that have suffered for so long because of this situation. (0001-1-2 [Greenwald, Janet])

**Comment:** And then also my main role working with the Superfund program is working with the families of the Red Water Pond area. They are not only impacted by the UNC Mill site, but they're also impacted by ways of having to move away from their homeland, especially in the voluntary alternative housing that they're signing up for, having to move away from their homeland. This process is just taking so long that by the time that they decided eligibility, I think it was in 2011, and now the kids have grown up. And then according to the EPA guidelines, now grown-ups, families with their kids, are all -- they have no options but are being offered by EPA to move into one house. For example, we have three grown children with a child each. But according to the guidelines of the voluntary alternative housing, those three families would either be required to move into one five bedroom home or one three bedroom home and then one two bedroom home. Those families should all be allowed to have their own private dwelling if they choose to go with the voluntary alternative housing. And having all these families having to follow the guidelines, it's not right, especially during this pandemic. We are a family of generational families living in a home. But almost due to the pandemic, this has all changed. So like I said, there's more impact to the families there. They are having to move from where they grew up. Right now they are restricted by a fence around their area that they have volunteered to move to. And they're also leaving families behind who do not want to move. They have no place to bring their animals. They have lost family to cancer and then are also being impacted by cancer themselves. (0001-19-3 [Craig, Vivian])

**Comment:** I feel like that Red Water Pond community is being backed up into a corner. (0024-7-4 [King, Larry])

**Comment:** Dine Uranium Remediation Advisory Commission hereby recommends inclusion of written comments of the impacted citizens and residents within the Red Water Pond Community and any other residents within proximity of the proposed action. (0038-1-1 [Baheshone, Nona])

**Comment:** 1.1.2 NECR Mine Site (1.1.2.a) The NECR Mine Site is a former uranium mine operated by UNC. As described by EPA (EPA, 2011), after extensive uranium mineral exploration in the 1950s and 1960s, mining development began at the NECR Mine Site in 1967 and ended in 1982. While the mine operated, it served as the principal mineral source for the UNC uranium mill. The NECR Mine Site is located less than 1.6 kilometers (km) [1 mile (mi)] northwest of the UNC Mill Site. The NECR Mine Site is located within an area of approximately 83.8 ha [207 ac], the majority of which (78.3 ha [193 ac]) is located on Navajo Nation land (on the Navajo Nation reservation) and the remaining area is located on Navajo Nation Trust land (EIS Figure 3.2-2) . . . [pg 1-3, lines 11 to 18] 1.1.2 NECR Mine Site (1.1.2.a) 1.1.2, From the Dine Uranium Remediation Advisory Commission (1 of 4): The above information from the Draft EIS is included to describe the proposed alternatives, actions, and responsibilities. There are homesites located in proximity to the NECR mine site and UNC mill site. These citizens and

residents are directly impacted by years of uranium mining and milling and now uranium remediation. They need to be allowed an opportunity by NRC to provide written statements during this Draft EIS comment period because they may not be able to attend the online public meetings. Many residents across the Navajo Nation including residents living near the NECR mine site and UNC mill site do not have access to the internet and with the pandemic public health restrictions, they may not be able to travel to places to use the internet. (0038-1-4 [Baheshone, Nona])

**Comment:** Comment Number: 13, Section: 4, Document Page: ", Paragraph: 2 RWPRC; one paragraph?? After all these years of discussions/meeting, etc. this is all that's included for the RWPR. NRC captured more, where is it? (0083-13-6 [Navajo Nation Environmental Protection Agency])

**Comment:** The RWPRC will unquestionably receive the vast majority of adverse impact from these actions is routinely dismissed throughout the document. The few times that their health, safety and environment are considered, the disparity between what is acceptable for them to tolerate and what would be acceptable next to a Biligaa'na (Caucasian) community is glaringly large and deeply offensive. At best this illustrates the UNC's woeful ignorance toward the Navajo Nation and our fundamental laws, at worst it demonstrates a calculated attempt to neglect the problem created decades ago by the U.S. Government and asks the Navajo community to ignore this blatant disrespect. (0083-2-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 140. In the entirety of this Draft EIS document, exceedingly little is acknowledged about the vast and hazardous impacts of this remedial action on the Red Water Pond Road Community. Why has the NRC not taken these impacts more seriously? (0083-41-3 [Navajo Nation Environmental Protection Agency])

## **2.2.7 NEPA Process - Comments on Executive Summary**

**Comment:** Comment Number: 16, Section: Table ES-1, Document Page: XX, Paragraph: Land Use, No-Action The column of NO Action Alternative 2, often states Large or Moderate with the added following statements, 1) "until Navajo Trust Land is returned to the Navajo Nation" 2) "Pending removal of NECR mine waste." These two statements need to be removed and discussed in their appropriate section(s) within the DEIS. (0083-20-6 [Navajo Nation Environmental Protection Agency])

## **2.2.8 NEPA Process - Pipeline Road Community**

**Comment:** we need to maintain all of the community members around there. We've got the pipeline community members and then we have the folks that live downstream into Church Rock. So, I think those folks need to be included too because if there was to ever have a dam break or whatever, a natural disaster that's where it's going to flow if the waste is to be put back in the same spot as where it was in the 1979 flood. (0024-11-2 [Jenkins, Darlene])

**Comment:** These communities need to be heard, both of them, Red Water Pond and pipeline communities. [Pipeline Canyon people] (0024-9-2 [Craig, Vivian])

**Comment:** I really, really think that U.S. EPA Region 9 needs to involve the pipeline community as well because as stated before, we have Quivira Mines, which is just right there. (0024-9-4 [Craig, Vivian])

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**Comment:** The Pipeline Canyon Road community were completely overlooked. These families will be exposed to contaminated dirt, to construction noise and disruption from the traffic. (0083-26-3 [Navajo Nation Environmental Protection Agency])

**Comment:** The Pipeline Canyon Road community were completely overlooked. These families will be exposed to contaminated dirt, to construction noise and disruption from the traffic. Why are impacts to this community not included in the Draft EIS? (0083-39-12 [Navajo Nation Environmental Protection Agency])

**Comment:** Yes, everybody's right that's behind me. You know, we've all been forgotten. There's residents on Pipeline Road nobody's come to visit. (0096-10-1 [Thomas, Tony])

**Comment:** You mentioned, you were just mentioning Red Water Pond. Or not Red Water Pond. It is the (not understandable) Canyon; the Pipeline Road Community members that we are that's separate from them. I just want to note that every time you talk about them, we're not even on the map yet. It's up, up on top. And, yeah, there's a lot of vent holes around there, a lot of waste areas. And there's 16 or 15 holes up in one area. And you have to include us all the time, every time you make comments, not just Red Water Pond. We are not the Red Water Pond area. I'd just like to elaborate on that. (0096-11-1 [Nouse, Roger])

**Comment:** And it mentioned that Red Water Pond Community is the closest proximity. I don't think that's the case. We are being left out with that. We just live within a one-mile radius from there also. Earlier in the comments section on the pages that says that within the last -- within the two miles area is when it's mentioned. So, that's leaving us out again. Don't continue leaving Pipeline Road Community out. (0096-25-2 [Whiterock, Jerry])

**Comment:** Because, right now, a majority of the comments or the report is according to Red Water Pond Community feedback, and this, in turn, we'd like to have us as Pipeline Road Community be considered and our package also. And we do have a document, signed by our community members, that was submitted. And we'd like to have that considered, read, and be appreciative of that. (0096-35-2 [Whiterock, Jerry])

**Comment:** All I've been hearing on this location site is nothing but Red Water Pond and there are teepees right here on this paper. But you guys never -- don't seem like you guys never put us in this, in these meetings, or in the newspaper, or like what I have here on this site. So, hey, kind of look at us now and we're here also, the Pipeline Road Committee. So, don't forget us. (0096-9-1 [Leslie, Sibert])

**Comment:** A person asked how the residents on Pipeline Road and near the intersection of Highway 566 and Pinedale Road would be affected (0097-14 [Community Member, Red Water Pond Road])

**Comment:** Document Page: pg. 4-43, Section: 4.8, Comment Line: line 43, Paragraph: 5  
Comment: Pipeline community should be notated here too, not just the RWPR community!!! (0099-2-5 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 4-45, Section: 4.8.1.1, Comment Line: line 12-17, Paragraph: 2  
Comment: Pipeline community should be notated here too, not just the RWPR community!!! (0099-2-6 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-14, Section: 5.2, Comment Line: line 2, Paragraph: 1  
Comment: line states: NRC assessed impacts to land use within 6 mile radius of the UNC.-

comment- if it was a 6 milie radius that was assessed, why weren't more communities considered within this DEIS. The focus in this EIS only focus on RWPR and no other communities within a radius of 6 miles of the UNC Mill or NECR Mine. (0099-2-13 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-41, Section: 5.10., Comment Line: line 40-44, Paragraph: 3  
Comment: line states: notable impact of the RWPR Community due to their proximity and the nature of the Navajo Nation's cultural and religious connection to the land. -comment- Pipeline Community will be driving by it and lives next to it, their input needs to be heard on this visual and scenic impact that may happen. (0099-3-7 [Navajo Nation Environmental Protection Agency Superfund Program])

## **2.2.9 NEPA Process - Implementation of Diné Fundamental Law**

**Comment:** But in addition to that, what I would urge our tribal agencies to go back to do is reevaluate the process of what we talked about in terms of Diné fundamental law (Diné language spoken) -- for holy surface people. (0001-6-5 [Perry, Jonathan])

**Comment:** Make sure cleanup is in line with Navajo Nation Fundamental Law... basically the [colonial] codification of indigenous traditional ways & worldview, ie: cleanup that respects Diné Culture, K'é (relatives), Tó (water), and of course Nihi Má Ni'asdzáán (Mother Earth) (0007-5 [Anonymous, Jamie])

**Comment:** Dine' Fundamental Law requires that we engage respectfully through our identifiable clans as Navajo people. We extend that respectful approach to those we share our environment with, other five-fingered people. We therefore need to ensure the impacted communities fully understand and are afforded a true opportunity to provide comments on the proposed action. Navajo Nation Superfund, along with the United States Environmental Protection Agency Region 9, have embraced the inclusion of Dine' Fundamental Law in their efforts in addressing abandoned uranium mine sites on the Navajo Nation, and we hope that the NRC will do the same. (0008-7 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** It is also my obligation to support the local communities under Diné Fundamental Law. Diné Fundamental Law requires that we engage respectfully through our identifiable clans as Navajo people. We extend that respectful approach to those with whom we share our environment, and especially to the communities who have been directly impacted by the uranium mining activities and uranium waste that are at issue here. (0015-5 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** Comment Number: 31, Section: 4.1, Document Page: 4.4, Paragraph: 2 Additional information regarding the Navajo Nation's cultural and religious connection is outline in Dine Fundamental Law. Please see link

[http://www.navajocourts.org/dine.htm#:~:text=%C2%A7%204.-,Diyin%20Dine'%C3%A9%20Bits%C4%85%C4%85d%C4%99%C4%99%20Beenahaz'%C3%A1anii%2D%2DDin%3%A9%20Customary%20Law,%C2%A7%20204\)&text=be%20protected%3B%20and-,E.,environment%2C%20free%20from%20all%20abuse.](http://www.navajocourts.org/dine.htm#:~:text=%C2%A7%204.-,Diyin%20Dine'%C3%A9%20Bits%C4%85%C4%85d%C4%99%C4%99%20Beenahaz'%C3%A1anii%2D%2DDin%3%A9%20Customary%20Law,%C2%A7%20204)&text=be%20protected%3B%20and-,E.,environment%2C%20free%20from%20all%20abuse.) and can be found in Navajo Nation Code 1 N.N.C. §§ 201-206. (0083-22-4 [Navajo Nation Environmental Protection Agency])

**Comment:** 117. There seems to be absolutely no consideration within the Draft EIS for Navajo Fundamental Law. How can the UNC propose a Draft EIS that has no concern for the

Fundamental Law of its most impacted community? (0083-39-3 [Navajo Nation Environmental Protection Agency])

**Comment:** 129. Were any Navajo Nation laws or Fundamental Law considered as an ARAR? (0083-40-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 55, Section: 4.1, Document Page: N/A, Paragraph: N/A  
Additional information regarding the Navajo Nation's cultural and religious connection is outline in Dine Fundamental Law. Please see link  
[http://www.navajocourts.org/dine.htm#:~:text=%C2%A7%204.-,Diyin%20Dine'%C3%A9%20Bits%C4%85%C4%85d%C4%99%C4%99%20Beenahaz'%C3%A1anii%2D%2DDin%C3%A9%20Customary%20Law,%C2%A7%20204\)&text=be%20protected%3B%20and-.E.,environment%2C%20free%20from%20all%20abuse.](http://www.navajocourts.org/dine.htm#:~:text=%C2%A7%204.-,Diyin%20Dine'%C3%A9%20Bits%C4%85%C4%85d%C4%99%C4%99%20Beenahaz'%C3%A1anii%2D%2DDin%C3%A9%20Customary%20Law,%C2%A7%20204)&text=be%20protected%3B%20and-.E.,environment%2C%20free%20from%20all%20abuse.) and can be found in Navajo Nation Code 1 N.N.C. §§ 201-206. (0083-9-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 58, Section: 5.1, Document Page: N/A, Paragraph: N/A See Dine Fundamental Law (0083-9-9 [Navajo Nation Environmental Protection Agency])

## **2.3 Comments Concerning Public Participation**

### **2.3.1 NEPA Process: Public Participation - Comments About Virtual Meetings**

**Comment:** I recently began work with Navajo Nation Superfund. I'm new to the program, less than a month. And I would like to have to agree with Ms. Morgan on the option of these comment periods being held during a high pandemic. It's not only ridiculous but disrespectful. Many of the people in indigenous Navajo don't have internet yet alone within the area that we're speaking of, Red Water Pond north of Church Rock, the phone service is terrible if any of you have ever been out there. There's no cell phone coverage. If this was at a public setting, such as a chapter house, which it typically is at, the audience wouldn't be silent. I'm computer savvy myself to a certain extent. But I tried to get on with the Webex to view the presentation that was given, and I was not able to get on. (0001-10-1 [Navajo Nation Environmental Protection Agency Superfund Program\Martinez-Silversmith, Lee Anna])

**Comment:** I encourage you to think outside the box because this format not only is it inappropriate, it's culturally inappropriate. But it's also inaccessible and silencing the voices of many of our people who can't access it. (0001-16-2 [Morgan, Leona])

**Comment:** I want to make some comments just specifically about these meetings. We've said this before in the whole tech process for the high-level radioactive waste dumps being proposed, that you all need to stop pushing these meetings during an international health crisis. This is ridiculous that you are putting out this -- nobody is going to call in. People are not going to call in at two o'clock in the afternoon and try to understand all this, you know, the thousands of pages of technical jargon that you put out there. (0001-4-13 [Morgan, Leona])

**Comment:** And as an individual who has been pretty much in conversation with the community, and even in talks with the federal government and different agencies through various subjects, I would request, and even make note, that with the current situation that the Navajo Nation is having to go through, we are seeing a lack of participation from our people in these type of discussions because, as you acknowledged earlier, we are going through this pandemic and it's really hard to get folks to get into areas where they may be able to make comments. And, as you may know, on Navajo Nation we don't have adequate infrastructure for



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telecommunication. And so, some of our community members have to go to different locations to make phone calls and participate in these type of events. And right now, there is an executive order -- or a stay-home order, which would prevent many people from being able to access and participate in these public hearings. And I would ask that NRC and everyone involved take note of that and also consider the fact that, you know, the community is tired as well. (0001-6-1 [Perry, Jonathan])

**Comment:** And then I want to further emphasize, and I thank you for extending the comment period, but in the opening statements about respect and wanting to cooperate, you know, it just -- I found those statements to be very ironic given the fact that this was released in the midst of a pandemic with a deadline that covered two holidays, the shutdown is going on. That's not respectful. That's not respectful to community. It's not a sign of cooperation. The people of Red Water Pond Road don't even have access to long-distance telephone. They can't call into this unless they risk leaving their homes and going somewhere to be on the phone -- a phone call. (0001-7-7 [Gordon, Susan])

**Comment:** one of the biggest concerns that we do have right now is just keeping these communication channels open, especially for the community that's still in the actual community where there's very little communication availability for them -- especially to be on calls like this. (0002-4-1 [Keyanna, Teracita])

**Comment:** It doesn't have the -- people can hardly call in because of cell phone and broadband deficits. You know, you're -- you're doing this at a time of extreme trauma and extreme impact on the community. (0002-7-11 [Shuey, Chris])

**Comment:** First, many members of the community were unable to participate in the webinars. Cell phone coverage in and around the Navajo Nation is spotty at best, and not everyone even has access to a cell phone. (0008-5 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** the environmental impact statement, this is supposed to be the most rigorous, but oftentimes it's rushed and there's a lot of public comment that isn't included. I think in Gallup especially there's a lot of people here that are impacted that don't have an opportunity to speak tonight or throughout this whole process, especially during a global pandemic. (0024-19-1 [Boyd, Talia])

**Comment:** I want to start by saying this format for a public hearing is really not working. First, I'm Susan Gordon, I'm with the Multicultural Alliance for a Safe Environment, and we worked hard to get people on this webinar, this WebEx webinar tonight and the audio is not working. It's not working for any of us at any of the sites that we are calling in from. So, that is a serious problem, it presented during even hearing the presentations, it started because we were busy trying to figure out how to get on. We've all had to call in through the audio number and not through the WebEx. So, I think that means you should really start this whole public hearing over again because of the lack of accessibility. In addition to that, I have been pushing \*1, since you asked for people to ask questions, on my phone like 20 times I had been pushing \*1 and not able to get through until this point. So, my frustration level at this process and this format is extreme at this point, and you have to address it, NRC, because this is not working for the community. (0024-6-1 [Gordon, Susan])

**Comment:** NRC use of webinars was the wrong tool because Navajo people lack computers and broadband to participate in webinars. (0083-27-2 [Navajo Nation Environmental Protection Agency])

**Comment:** We will conclude by acknowledging the fact that telecommunication and broadband limitations remain. The virtual public comment sessions that have been held require a stable internet or cellular connection. This is simply not feasible for many Navajo community members. (0093-6 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

### **2.3.2 NEPA Process: Public Participation - Reader's Guide**

**Comment:** So I remember that we were talking about technical assistance. So like I understand that some of the residents received, even, like the Reader's Guide, right, to take a look at that Environmental Impact Statement. Is that something that we could share right now for individuals that may not be familiar with even these what could be insights in the Environmental Impact Statement? (0001-15-1 [Shirley, Valinda])

### **2.3.3 NEPA Process: Public Participation - Requests for an Extension of the Public Comment Period or Delay in Licensing Action**

**Comment:** And we also appreciate the extension of time for comments. And Leona and Terry talked about the lockdown that's going on and the impact that the communities on Navajo Nation are facing at this point. (0002-6-2 [Gordon, Susan])

**Comment:** This is usually the time that all of us on the outside reserve for all the people in the community to call in. As Susan Gordon noted, you're not hearing from the directly affected people because they're not available at the time of the pandemic. I would suggest that NRC seriously consider, you know, moving this -- I mean, I know you've already set aside another public comment period by phone sometime in early January. You know, we -- we still may be in shut down at that time. This is not the right time to be doing this process -- NEPA process. (0002-7-1 [Shuey, Chris])

**Comment:** What Chris was just raising, concerns about the fact that this is moving forward during a global pandemic is very real, and again, I believe that the NRC should not be moving licensing projects forward during a global pandemic. (0002-8-2 [Shaughnessy, Eileen])

**Comment:** Uranium Watch herein submits a request for a 60-day extension of the public comment period on the draft Environmental Impact Statement (EIS) for amendments to the United Nuclear Corporation (UNC) Church Rock Uranium Mill, Docket No. 40-8907. (0003-1 [Fields, Sarah])

**Comment:** The Public Comment Extension Request is based on the following: 1. The UNC license amendment request and the draft EIS are extensive documents, which demand careful review and consideration. 2. The comments period brackets two major holidays: Thanksgiving and Christmas. It does not make sense for the NRC to have a comment period during major holidays. 3. The proposed action involves and directly impacts several tribal communities in both New Mexico and Utah. These include the Navajo Nation and the Ute Mt. Ute Tribe. The country is currently in a unique and growing health crisis with multiple restrictions on travel and activities due to the coronavirus pandemic, particularly on the Navajo Nation. Monday, November 16, 2020, the Navajo Nation entered a 3-week lockdown in an effort to stop the spread of infections. This shutdown may need to be extended. The focus of the tribal communities should be on protecting the health and wellbeing of their families from the coronavirus. (0003-4 [Fields, Sarah])

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**Comment:** 5. The extension of the public comment period will not significantly delay the project or adversely impact UNC. (0003-6 [Fields, Sarah])

**Comment:** On behalf of the Red Water Pond Road Community Association (Community), the New Mexico Environmental Law Center submits a request for a 60 day extension of the public comment period on the Draft Environmental Impact Statement (DEIS) for amendments to the United Nuclear Corporation (UNC) Church Rock Uranium Mill, Docket No. 40-8907. The Community also requests additional virtual public meetings to provide comments on the DEIS. (0004-1 [Jantz, Eric])

**Comment:** The Community needs additional time to submit comments because the UNC license amendment request and the DEIS are extensive documents, which demand careful review and consideration. (0004-2 [Jantz, Eric])

**Comment:** Finally, extending the public comment period will not significantly delay the project or adversely impact UNC. (0004-4 [Jantz, Eric])

**Comment:** The country is currently in a unique and growing health crisis with multiple restrictions on travel and activities due to the coronavirus pandemic, particularly on the Navajo Nation. Monday, November 16, the Navajo Nation entered a 3-week lockdown in an effort to stop the spread of infections. This shutdown may need to be extended. The focus of the tribal communities is on protecting the health and wellbeing of their families from the coronavirus, limiting the tribes' time, resources and ability to meaningfully comment on the DEIS at this time. (0004-7 [Jantz, Eric])

**Comment:** Attached are public comments on behalf of people of faith in McKinley County and the City of Gallup requesting a 60 day extension of the public comment period on the draft Environmental Impact Statement (EIS) for amendments to the United Nuclear Corporation (UNC) Church Rock Uranium Mill, Docket N. 40-8907. (0005-1 [Cecchini, Rose Marie])

**Comment:** We hereby submit a request for a 60 day extension of the public comment period on the draft Environmental Impact Statement (EIS) for amendments to the United Nuclear Corporation (UNC) Church Rock Uranium Mill, Docket No. 40-8907. The 60 day extension would insure our right to fully engage in this process in the midst of the COVID-19 pandemic, resulting to date in 86,247 cases and 6,532 coronavirus related deaths in New Mexico. In addition, the proposed action involves and directly impacts several tribal communities in both New Mexico and Utah. These include the Navajo Nation and the Ute Mountain Ute Tribe. These tribal lands are currently in a unique and growing health crisis with multiple restrictions on travel and activities due to the coronavirus pandemic, particularly on the Navajo Nation. On November 16th the Navajo Nation entered a three week lockdown in an effort to stop the spread of infection. This shutdown may need to be extended. The focus of the tribal communities, including the Red Water Pond Road Community, should be on protecting the health and wellbeing of their families from the coronavirus. (0005-3 [Cecchini, Rose Marie])

**Comment:** I am writing to request an extension of 90 days from the current deadline of February 26, 2021 for the comment period on the Draft Environmental Impact Statement (DEIS) for a license amendment for the United Nuclear Corporation Church Rock Project(UNC Mill Site). The work contemplated under the proposed license amendment would have a "disproportionately high and adverse environmental impact" on the Navajo communities surrounding the project area, as stated in the DEIS itself, and those communities must be given a meaningful opportunity to comment on the DEIS. (0008-1 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

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**Comment:** Moreover, the timeframe provided for the comment period, even though it apparently has been extended to February 26, 2021, is too short to allow the necessary exchange of information to take place. (0008-4 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** Moreover, due to the COVID-19 pandemic and corresponding mandatory and voluntary restrictions, a longer public comment period is imperative. The NRC's current approach would result in action being taken even though only a small fraction of the affected community was represented on the two public webinars. The current stay at home order that is in place on the Navajo Nation prevented families from traveling to an area where cell service or Wi-Fi was available for them to participate. See Navajo Dept. of Public Health, Public Health Emergency Order No. 2020-031 (extending prior stay at home orders to December 28, 2020). The logistics of establishing productive methods of communicating with ALL of the impacted community need to be considered and addressed. (0008-8 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** It is critical that the public have an adequate opportunity to meaningfully review and comment on the DEIS to ensure that the NRC's analysis is complete and considers all the options for and impacts of the proposed project. There have been many discussions between the relevant agencies to identify the matters at issue and possible approaches to them, and the community needs to be given an opportunity to hear and understand the issues sufficiently to allow them to provide meaningful comments. (0008-9 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** We believe that allowing adequate time for a well-considered review and thorough comments on the DEIS by the impacted communities will lead to better evaluations that protect the environmental and cultural resources at issue. Forty-five days (the original comment period), or even an additional 60 days (an extension to February 26, 2021), is clearly not sufficient in light of all the circumstances discussed above. We therefore request that the NRC provide until May 27, 2021 for public comment on the DEIS, given the complexity of the proposed project, the nature of the Navajo communities who are most affected, principles of Fundamental Law, and the still ongoing pandemic. We believe this extension of the comment period is essential for the NRC to provide meaningful opportunity to comment. (0008-10 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** As a third party we have not had adequate time or trouble-free access to these documents to review. We have provided comments and request with the upmost respect that they be read, responded to and considered. (0083-2-13 [Navajo Nation Environmental Protection Agency])

**Comment:** The current deadline of May 27, 2021 is insufficient to provide the surrounding Navajo communities a meaningful opportunity to comment on the DEIS for the reasons stated below. We therefore respectfully request that the Nuclear Regulatory Commission (NRC) extend the deadline for public comment on the DEIS to October 31, 2021. (0093-1 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** As indicated in my December 21, 2020 request to extend the comment period on the DEIS, "it is critical that the public have an adequate opportunity to meaningfully review and comment on the DEIS to ensure that the NRC's analysis is complete and considers all the options for and impacts of the proposed license amendment." Furthermore, the surrounding Navajo communities are closer than any other community to the proposed project area and

would be significantly and disproportionately affected by the proposed action. While efforts have been made to convey the scope of the DEIS and the purpose of the public comment period through virtual public comment sessions and pre-recorded radio announcements, more time and effort is essential to accomplish the level of engagement that is consistent with our Diné Fundamental Laws and adequately engage Navajo community members. (0093-2 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** The technical and complex nature of the DEIS requires considerable and consistent engagement in order to educate community members and afford them the opportunity to review and comment on the DEIS. The DEIS is nearly four hundred (400) pages long. The DEIS is filled with cross-references to NRC guidance documents; other federal laws, regulations, and actions; technical descriptions; figures; tables and data analyses; appendices; and historical information and descriptions of the surrounding community. Processing all of this information not only requires the technical expertise of our Navajo Nation Environmental Protection Agency (NNEPA), but also competent technical explanations in the Navajo language. This alone, is reason enough to extend the public comment period. It is impossible for Navajo community members to meaningfully review and comment on the DEIS without understanding the depth and breadth of the information it includes. (0093-5 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** While COVID has limited the ways to effectively communicate public messages, it has not eliminated the essential need for them. These limitations cannot be allowed to leave the Navajo people without a total comprehension of the proposed actions. We must have more time to safely and properly engage our community members. The extension of the public comment period to October 31, 2021 is crucial to provide Navajo communities with an adequate opportunity to meaningfully review and comment on the DEIS. This request is reasonable in light of the ongoing pandemic, the technical and complex nature of the DEIS, and the telecommunication and broadband limitations faced by Navajo community members. We look forward to your affirmative response to this request. (0093-8 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

#### **2.3.4 NEPA Process: Public Participation - Requests for Language Translations, Audio Files, and Presentations**

**Comment:** The other comment is related to questions about is there other forms that could be used to reach out to Tribal members? Just as some of the work that we're doing right now with BLM on another project, we've been holding a lot of public outreach meetings for the EIS work that we're working on. But one of the, I think, very respective form that was suggested by, actually the Navajo Nation's Office of the President was a radio remote. What we did for that one project was we did a radio remote for, I believe, two hours where we had our subject matter experts on the line at the radio station via telephone connections and things like that and really just opened it up to the general public, Navajo speaking or not. They were able to ask us questions, and we provided as much detailed information on that EIS that we're working on with BLM. So I think that type of forum would be very useful for this project that NRC is working on, especially during the pandemic. As I think everybody has expressed, there's a lot of anxiety around the pandemic and then health orders, restrictions and things like that. So that would be my second comment, more related to the process and how to improve outreach to the Tribal members and then perhaps solicit more recommendations from Tribal members. (0001-11-3 [Tsosie, Lester])

**Comment:** As has been said several times, people are unavailable and especially with the poor internet and phone accessibility, it would be good for us to have a recording. And I like the

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idea of a public forum that was mentioned, I think, by Mr. Tsosie to air on KTNN. (0001-16-1 [Morgan, Leona])

**Comment:** But at least if we could hear a recording, would you please send a recording of the - the file of the recording to me. I can email Mr. McIntyre or whoever, please -- how do I -- let me know how do I get access to this recording. Thank you. MR. CAMERON: Okay. Thank you. We're going to work on that because I think we do have a recording, and we also have the transcript. But I think you want a recording so that can be played for people to listen to. Is that correct? MS. MORGAN: Yes, yes. More immediately than the transcript, which usually takes some time. And it's easier to listen to the meeting than to have folks read several pages of the transcripts. (0001-16-3 [Morgan, Leona])

**Comment:** Those are not translated into our language. Our people can't read all those documents, you know, before December 28th or before February 26th. You need to create a different process. (0001-4-14 [Morgan, Leona])

**Comment:** I would recommend strongly to this event and the host Agency to take every question and put it back out in Navajo and provide the response, the comments, also in Navajo. I understand that might take a little bit longer with this setup but I know I have relatives in the Red Water Pond Road community that would benefit from hearing from the conversations in Navajo. (0024-2-5 [Yazzie, Dariel])

**Comment:** Comment Number: 12, Section: General, Document Page: N/A, Paragraph: N/A All NRC literature and communications with Dine' people should be provided in the Navajo (Dine') Language, written and oral. Condensed, reduced forms of communications/documents/meets in Dine' language are not acceptable means of communication. NRC has a need for a highly trained and fluent Dine speaker for translation, also for translation of science terminology. For instance; Overcoming Language Barriers Use plain language. ... Find a reliable translation service. ... Enlist interpreters. ... Provide classes for your employees. ... Use visual methods of communication. ... Use repetition. ... Be respectful. (0083-20-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 13, Section: General, Document Page: N/A, Paragraph: N/A Consider providing NRC literature in an audio version to meet needs for ADA, if needed. How do people request if needed? (0083-20-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 14, Section: General, Document Page: N/A, Paragraph: N/A Providing the community/communities with all information in the Dine' language is key. Obtaining a fluent Dine' speaking translator with the ability to translate the DEIS and the scientific terminology is imperative, this should be included in all steps. Not having the APPROPRIATE translator for any science-based discussions is a huge disservice to the community. A majority of the community speaks Dine' as their primary/first language. (0083-20-4 [Navajo Nation Environmental Protection Agency])

**Comment:** NRC employing a translator did not work because the translator did not organize the information in such a way that it would be better understood. Translation of the DEIS would require two or three days if the information is to be properly conveyed so the Navajo people can understand. The purpose of the DEIS and the technical information cannot be explained in a KTNN broadcast. (0083-27-3 [Navajo Nation Environmental Protection Agency])

**Comment:** The majority of Navajo people are visual learners and since most speak Navajo, they cannot understand English. As visual learners Navajo can learn through pictures, drawings,

graphs, maps figures, etc. The DEIS could not be understood well despite the Navajo translation. Translation included a lot of technical information and listening to the translation was very cumbersome because it was impossible to listen and digest the information in the amount of time that the presentation was done. It was too much information that was technical in a short amount of time and I believe everyone would have been overwhelmed. The Navajo translation was not organized well - so it was hard to understand or to assign topics which were being conveyed. (0083-27-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 38, Section: 1.4.1, Document Page: I-7, Paragraph: 1 of page Providing slides in Dine does not help the non-English speaking population of Navajo communities. (0083-7-10 [Navajo Nation Environmental Protection Agency])

**Comment:** It has been disappointing to learn that public comment meetings ended before scheduled end times, dates and times were changed with little to no notice, and information was not readily available in Diné Bizaad (the Navajo language). The culmination of these actions has risen to a level of disrespect that is contrary to our Diné cultural teachings. Our Diné cultural teachings acknowledge that we are connected with the land, air, water, plants, animals, and other five-fingered beings. Meaningful review of the DEIS means that community members must have the opportunity to understand the DEIS in this context and respond accordingly. Those Navajo communities that would be most impacted have not been provided sufficient opportunity to fully understand the DEIS and provide meaningful comments. (0093-4 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** The pre-recorded broadcasts aired over KTNN lack the conversational and cumulative nature of a public comment session. A more effective radio communication would be a radio forum where the information is presented and the public calls-in to respond. (0093-7 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** MR. JOHNSON: Just a quick question. All this that we're going over, you have slides and presentation on PowerPoint. And I -- MR. JOHNSON: But if I may ask, could you email it to my personal email? (0103-1-2 [Johnson, Johnny])

### **2.3.5 NEPA Process: Public Participation - Comments About NRC Outreach Efforts**

**Comment:** From the Eastern Navajo Nation BIA, we do engage with many Tribal members inquiring about the different status or abandoning uranium mine work or remediation work that's happening across the Eastern Navajo Agency. I know there's also other activities happening across Big Navajo. And so my first comment is related to that. I think it's important the NRC provide maybe a more clear approach to how this effort fits into the big picture of this AUM work that's happening. If you can imagine Tribal members at the community level getting numerous different types of information about Church Rock, about Mariano Lake, Smith Lake, Casamero Lake, Crownpoint, you know, they probably wonder, like, all this information is just overwhelming, I think, for some of our Tribal members. And many of them want to respond in Navajo in providing their experience and their recommendations. (0001-11-1 [Tsosie, Lester])

**Comment:** Anyway, we've spent a whole lot of time together over the years, and I can't tell you how many of these handouts that you guys produce, these slide shows that I've basically seen before, you know, it's a template. Anyway, is there a possibility that you guys could, like, use these handouts at your meetings to explain the process but not cover that every time, instead talk more on the issues. I mean, you and I are growing old together here. And we don't have that much time left, you know. So maybe do like Annie Harris said, lose the Crayolas and focus more on the issues. And that would be my comment. (0001-12-1 [Helms, Kathy])

**Comment:** And it just kind of seems like it's just the same old song. And it's really unfortunate that we have to come to these public meetings and kind of not be able to praise you guys as people who are trying to help. And I understand you're trying to help. (0001-17-5 [Keyanna, Teracita])

**Comment:** This checkbox of NEPA is unacceptable because this is a larger problem than just allowing a little bit of time for such a huge impact to our future. (0001-4-15 [Morgan, Leona])

**Comment:** And I, too, urge you to listen to the community. They have suffered a very long time and they are anxious to see the project move forward as safely as possible. And there has been a lot of speakers that are potentially representing the community, but no one from the community has actually spoken this evening -- or this afternoon. And so I think that it will be important that you hear from community members about what they want. (0001-7-6 [Gordon, Susan])

**Comment:** And, again, my role was to share with you that there is an importance for identifying what that communication effort looks like and it needs to be respectful. And it wasn't from me that you heard that from. It was from people on this call who were able to identify that we're still missing that aspect of what we're doing. And so, I just want to flag that because we absolutely need to recognize it and it needs to be included in the discussions that we're having. (0001-9-1 [Yazzie, Dariel])

**Comment:** There was a word that was utilized a couple of times, and it's social injustice. That's where we've simply disregarded the respectful communication, respectful efforts that need to be had and that need to be included in what NRC is proposing at this time. (0001-9-5 [Yazzie, Dariel])

**Comment:** And I think the NRC has the budget to hire indigenous outreach coordinators, and others. Not just to translate what you've already decided, but to actually engage in a process that will take input from the people who are most impacted at this site, and of course at others around the nation and around the country. It should be the people on the ground -- the front-line communities -- that have a seat at the table to design these plans because these are the people who have to live with this. (0002-3-10 [Morgan, Leona])

**Comment:** My question has to do with the presentation itself, so first of all, I want to thank NRC for extending the deadline to February 26th and if there are opportunities other than the formal public hearings that it has established to present this information, this real important information. (0002-9-1 [Baheshone, Nona])

**Comment:** In addition, the matters at issue are technical and complex, and they require a full explanation to the public. Many members of the communities near the Quivira Mines, NECR Mine, and UNC Mill Site need the situation to be explained to them more fully and the details about the proposed action to be made clear. Our Navajo Nation EPA (NNEPA) staff have spoken with some of these individuals, and it is evident that there are significant misconceptions about the proposed action. An open dialogue with these communities is needed, which can be achieved only through engagement on a more individual level rather than through webinar presentations. For example, the Red Water Pond Road community, which is the community that will suffer the brunt of the impacts from the proposed action, has already stated concerns to NNEPA staff that need to be recognized and resolved as part of the DEIS comment process. (0008-6 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])



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**Comment:** And then you indicate that there's much research and there's much time that takes precedence for these homes, voluntary housing to be established for the Navajo community. Yet we're going to be responded to with our comments within a month. Is it even going to be taken into account the public's comments or is the decision already made? You say that you're going to get it and then in a month, in December of 2021, you'll have a response to comment and then January 2022 there's going to be a response as far as designating if there's a yay or nay vote on the permit. (0024-16-3 [Silversmith, Lee Anna])

**Comment:** There's a lot to say, there's a lot to talk about, again, this process, it's not fair, it's never been fair especially towards Native people. And so we need more authenticity, we need more transparency, and we need more accountability from all entities. (0024-19-10 [Boyd, Talia])

**Comment:** And I just want to bring to light that this week we had opportunity to hear that draft EIS be presented on KTNN in Navajo, but I think the timing leaves something to still want, I guess for a lack of way of putting it, it's light where we're already a month away from the comment period ending. (0024-2-6 [Yazzie, Dariel])

**Comment:** I think that's all I'd like to say this evening. I take responsibility and I accept my role in the work that we have to undertake. And if you'll let me, if you'll allow me, I'd like an opportunity to help us, help the community, to help Navajo Nation. There's a lot of information being provided, there's a lot of historical information provided that's a little skewed from my perspective because it only speaks to one side, not the side that is pleading to be heard. And that's the side that we have to listen to. (0024-2-8 [Yazzie, Dariel])

**Comment:** And I try to keep my home open to the community so that we can utilize my Internet connection and we can utilize this area for keeping ourselves in this loophole because for so long the communities have been left out. I didn't even know that the EPA was meeting with Ben Shelley, I want to know who was there. A lot of the times, you guys are stating that the community was involved, the community was there, and yet, I didn't even know that the EPA was meeting with the Navajo Nation President, and making decisions on our behalf without even giving us an opportunity to say anything. (0024-8-5 [Keyanna, Teracita])

**Comment:** During the development of this EIS, the NRC staff coordinated teleconferences with the NNEPA, participated in monthly teleconferences with the EPA, NNEPA, and the Red Water Pond Road Community, and provided informational emails to the NNEPA and the Red Water Pond Road Community on the status of the NRC staff's review process. . . In consultation with the NRC, NNEPA recommended that NRC develop and implement an outreach plan to help community members understand NRC regulations and explain the role the NRC plays in the remediation process, and that the EIS be presented in a manner that is consistent with NRC Tribal Policy. The NRC staff has developed a plan specifically to communicate with the Red Water Pond Road Community during the development of this EIS and after its publication. As part of that plan and in response to the NNEPA's request, the NRC staff will continue to facilitate conference calls or online meetings with the NNEPA and local community regarding the role the NRC plays in the remediation process, the purpose and organization of the EIS, and how the EIS relates to the NRC's role. [Lines 33 to 45 , Page 1-14) 1.7.3.1, From the Dine Uranium Remediation Advisory Commission (1 of 2): 1. While NRC reports it met with the affected community members and solicited comments from them, it appears some of the community members were not informed about the specific cleanup actions that were being proposed with the Draft EIS, where not informed about the prior processes and decisions that provided a pathway to preparing the Draft EIS, were not informed about the limits of NRC's regulatory

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authority, were not informed about factual determinations directly related to the Draft EIS alternatives that were made in 2009 and 2013 by the US EPA. (0038-2-8 [Baheshone, Nona])

**Comment:** Please inform me of your progress toward removing this aggereious offence to the Navajo families. (0043-3 [Gardner, Rebecca])

**Comment:** You should be embarrassed for pretending not to hear them. (0063-3 [Lundeen, Kelly])

**Comment:** Comment Number: 25, Section: 1.7.3.1, Document Page: I-13, Paragraph: N/A In consultation with the NRC, NNEPA recommended that NRC develop and implement and outreach plan to help community members understand NRC regulations and explain the role the NRC plays in the remediation process, and that the EIS be presented in a manner that is consistent with NRC Tribal Policy. How many meetings took place with RWPC to ensure this outreach plan? Was there are goal number of meetings to achieve? Since the Red Water Pond Road community continues to have many questions regarding the DEIS, has NRC achieved this outreach plan effectively? (0083-21-9 [Navajo Nation Environmental Protection Agency])

**Comment:** 1. This DEIS process played out during a Pandemic and this hurt federal requirements for public comments and participation. NRC failed in its responsibilities because it was insensitive to the needs of the Navajo community and uninformed on the socioeconomic and conditions. Public participation is critical and NRC they did not realize how important public participation was with a tribal group who required the use of their language to learn about the DEIS. (0083-27-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 131. It is the recommendation of the Navajo EPA that NRC develop and implement an Outreach Plan to help community members understand NRC regulations , the part in which NRC has to play in the remediation process, and the presentation of this Draft EIS pursuant to NRC Tribal Policy. As the current outreach has not been sufficient nor effective, how does UNC/NRC propose to remedy this? (0083-40-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 42, Section: 1.7.3.1, Document Page: I-13, Paragraph: N/A It is the recommendation of the Navajo EPA that NRC develop and implement an Outreach Plan to help community members understand NRC regulations, the part in which NRC has to play in the remediation process, and the presentation of this draft EIS pursuant to NRC Tribal Policy. (0083-8-2 [Navajo Nation Environmental Protection Agency])

**Comment:** The Diné people are unique in their perspective and a comprehensive and complete analysis by the NRC cannot be accomplished with any accuracies without their insight and input. Open dialogue on an individual level is essential, with consideration for the corresponding mandatory and voluntary health and safety restrictions as we continue to fight through the COVID19 pandemic. (0093-3 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** When the wells were dug, or before they were going to be dug, nobody informed us on that. So, maybe from this day forward, if you guys are going to do stuff on there, to let us know. (0096-29-1 [King, Judy])

**Comment:** This moving the uranium, you know, the approval of it, it sounds like it is approved already. I mean, you know, but, to us as a community, why weren't we told that it was approved already and it was already being -- it's going to be done? This approval, you know, it should have been told to us as a community, not right now where it says, "if approved." I mean, you

know it's not approved yet. But why weren't we told about this before this even started? (0096-3-1 [Leslie, Sibert])

**Comment:** Document Page: pg. 5-3, Section: 5.1.1, Comment Line: line 24, Paragraph: 2  
Comment: line states: The NRC staff recognizes COVID-19. -comment- this was recognized in 2020 when the DEIS was drafted, it was recognized by NRC, but the efforts to reach the public impacted by this future remediation project was not projected to be pro-active to publicly make the remediation project known in the communities. Hence, no public meetings or outreach conducted within that year. It was until the last hour to begin that outreach, the last 2 months to contact chapters, contact community groups, that NRC moved to do outreach. (0099-2-10 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** we appreciate everyone that was listening and everyone that was participating in this presentation and it's a whole, it's a real, it's real good information. That's what I would say about the presentation. (0101-6-2 [Daye, Clara])

### **2.3.6 NEPA Process: Public Participation - Request for Additional Interactions with NRC and Changes to NRC Meeting Logistics**

**Comment:** Hey, Chip, one more thing. Like Grant and Cibola County has a monthly coffee with the managers, times being what they are now, normally you would go to Red Water Pond Road community and, like, Edith Hood and Thompson Bell suggested after the 2019 public meeting, you know, normally you would go over there, and they would do a sheep roast, you know, so NRC could provide some sheep. But since you can't do that now because of the virus, maybe NRC could do a virtual monthly coffee with the NRC and just, you know, seriously sit down at the table, have your cup of coffee, air your differences, get to the bottom of this. (0001-14-1 [Helms, Kathy])

**Comment:** We were installed with certain knowledge in terms of our place in this universe and on this world. We were given certain knowledges and ceremonies, certain privileges, and we continue to use that. And there is a way to sit down with parties to talk this over. It might not be in a public comment period or comment setting. There are other avenues. (0001-6-6 [Perry, Jonathan])

**Comment:** And we spoke to you in detail about our concerns when you came out to that first meeting, which was in March a year ago or whatever, two years ago, I guess, and you have not been to the community which asked you to come and sit down and share a meal with them and get to understand their perspective. (0001-7-9 [Gordon, Susan])

**Comment:** I just wanted to ask that NRC please hire a tribal member for representing NRC in these monthly calls that take place in our meetings. Currently, we do have two representatives from the NRC that join the calls and I am thankful for their presence. However, recently, about three months ago, I encountered two concerned community members and they had questions regarding the Church Rock site. So, I relay that information back to the network call and I was thankful that Sandra Talley, who does represent as the tribal liaison, was able to get this meeting information to me to send out to the network. I really appreciate that. However, I also would like to ask NRC, based off that information, if they could also update the network on information regarding the Church Rock site. This site has been a concern for the Gallup community as well as just overall the Church Rock site community. (0001-8-1 [Largo, Chrissy])

**Comment:** They brought a group of people down before the last public comment period, that last public meeting. And we provided insight on what we felt would help them in moving forward.

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And a large part of it was to maintain regular contact with the communities, holding regular meetings outside of the more formal comment periods or collection of comments but to maintain regular update meetings. That's where you would get the most amount of information that pertains to what we may miss in just the science and research of the project areas. (0001-9-2 [Yazzie, Dariel])

**Comment:** I just wanted to remind you that, you know, you have heard from Terry Keyanna on this call and last week, but no other members of the Red Water Pond Road community -- the community most impacted by these decisions -- has been on these calls because they are in the middle of the day. And I appreciate the fact that you have called -- or will be scheduling one in the future. But it is painfully obvious that this is not adequate. (0002-6-1 [Gordon, Susan])

**Comment:** And back in March of last year when we talked -- when we were at the scoping meetings, I -- I challenged the NRC to get out of the offices in Rockville and come out here. (0002-7-16 [Shuey, Chris])

**Comment:** And our Commission's next meeting is on January 14th, and I wondered if the NRC could make a presentation about this licensing amendment at that meeting for the Commission. I think it's really important because we're working on a policy right now that's --- (Audio interference.) -- presentation, but I do appreciate this and working with the Commission presenting this information at their next meeting. Unfortunately, the commissioners can't all be on this call, so I think it would be helpful. Like I said, we're working on the disposal methods policy, and in addition to that, we got the information now to review the full EIS. So we'll do that in the meantime, and we have some technical comments. We probably can ask those questions in detail at the Uranium Commission meeting. So thank you for that, and I'll be in touch with Ashley. (0002-9-2 [Baheshone, Nona])

**Comment:** Uranium Watch also requests that the NRC change the time or provide additional online evening webinars for public comment on the draft EIS. The webinars are currently scheduled for 4:00 p.m. (EST), or 2:00 p.m. MST) on December 2 and 9, 2020. The NRC should schedule at least 2 webinars during the evening after work and work travel, for example, starting at 6:30 p.m. or 7:00 p.m. MST. (0003-2 [Fields, Sarah])

**Comment:** The request a change the time for or additional evening online webinars on the draft EIS is based on the following: 6. The December 2 and 9 webinars are scheduled in the afternoon (2:00 pm MST) in the communities that are directly affected by the proposed uranium mine waste removal and disposal project. This is the middle of the day, when many people are at work. It is also the time when families are engaged in teaching children at home, due to the shutdown of schools because of the coronavirus outbreak. The NRC should schedule at least 2 webinars during evening hours after work and work travel hours. (0003-3 [Fields, Sarah])

**Comment:** The Community also requests that the NRC change the time or provide additional online evening webinars for public comment on the DEIS. The webinars are currently scheduled for 4:00 p.m. EST, or 2:00 p.m. MST on December 2 and 9, 2020. The December 2 and 9 webinars are scheduled in the afternoon in the communities that are directly affected by the proposed uranium mine waste removal and disposal project. This is the middle of the day, when many people are at work. It is also the time when families are engaged in teaching children at home, due to the shutdown of schools because of the coronavirus outbreak. The NRC should schedule at least two webinars during local evening hours after work and work travel hours. Additionally, because these public meetings are being conducted remotely due to the pandemic, and the fact that many members of impacted communities have poor or no internet access, the scheduling of at least two additional webinars increases the chances that community members

will be able to attend at least one webinar successfully. An extension may also allow the NRC to host an in-person meeting closer to the end of the extended period, a vital step in ensuring community participation in this process and something the NRC should consider.

<https://www.npr.org/sections/coronavirus-live-updates/2020/11/16/935445425/navajo-nation-enters-new-lockdown-as-coronavirus-cases-rise> (0004-5 [Jantz, Eric])

**Comment:** We also request that the NRC change the time or provide additional online evening webinars for public comment on the draft EIS. The webinars are currently scheduled for 4:00 p.m. (EST), or 2:00 p.m. (MST) on December 2 and 9, 2020. The December 2 and 9 webinars are scheduled in the afternoon (2:00 p.m. MST) in the communities that are directly affected by the proposed uranium mine waste removal and disposal project. This is the middle of the day when many people are working either at home, tending the land and caring for livestock, or at work sites elsewhere, often involving distance travel. It is also the time when families are engaged in teaching children at home, due to the shutdown of schools because of the coronavirus outbreak. The NRC should schedule at least 2 webinars during the evening after work and work travel, for example, starting at 6:30 p.m. or 7:00 p.m. MST. (0005-5 [Cecchini, Rose Marie])

**Comment:** The NRC provided two public webinars on the DEIS, on December 2 and 9, 2020, lasting three hours each. At the webinars, NRC informed the public that comments on the DEIS are due by December 28, 2020. Unfortunately, these webinars were inadequate to provide and receive information from the Navajo communities that will be the most directly impacted by the proposed project. (0008-3 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** I would recommend another public meeting with more back and forth conversations. I would strongly recommend going out and meeting with the community members in getting and giving firsthand information and receiving firsthand information. (0024-2-7 [Yazzie, Dariel])

**Comment:** 127. The EIS acknowledges " members of the Navajo Nation may hold views that differ from the conclusions presented in the EIS". Yes, we do and due to Covid 19 safety measure there were not any Public Hearings held in person, with a Navajo interpreter. Will the UNC host the public hearings before the Draft EIS is finalized now that it is safe to do so? (0083-40-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 39, Section: 1.4.1, Document Page: I-7, Paragraph: 1 of page In the future, especially for important discussions, NRC should consider having these meeting at a local chapter house. Announcements should be posted at the local chapter houses to communicate to the public the dates and times of meetings. (0083-7-12 [Navajo Nation Environmental Protection Agency])

**Comment:** So, like I said, you know, like we said, our concern is we need to talk about it. We need to express our feelings with each other together as a community and as your committee there, about this concern about dumping this waste. (0096-3-3 [Leslie, Sibert])

### **2.3.7 NEPA Process: Public Participation - Concerns on Facilitation**

**Comment:** I just want it to be on the record that the one community person who called in during her quite personal testimony was very inappropriately and rudely cut off by Chip. And I think it's appalling the way you are treating our people when we've, at times -- and time and time again, this is a bad time to do this. I mean we said it to you all during the Holtec meetings,

during all of the WCS meetings on CIS, and I know you've heard it from people across the country for all the meetings NRC is hosting on SMRs, on the deregulations and everything happening in the nuclear industry. This is not a good time to be hosting public meetings when our communities are suffering from the pandemic, and especially for the community in question here who doesn't have access to Internet at all. If you even took the time to see where you're talking about, it's literally impossible for people to get on this meeting. And the one person who did, you shut her down, and you silenced her. You interrupted her when she was giving her testimony. I mean how dare you? This is not okay. This is completely unacceptable, unprofessional, and I would say when you finally sit down to meet with our Navajo Nation government officials and the local community, I would just ask you to have some respect and to have some kindness and to do your job, which we all laugh about your mission statement of the NRC, but to actually do your job in good faith, because this is a serious issue. And I know Teracita has left the meeting. She is not able to continue on her testimony, but I just want it to be on record the treatment of the NRC and how this needs to stop. And I would ask as we continue on with these meetings, that you give the local community people ample time to say their piece as they're not just speaking for themselves. They're speaking for an entire community who is not able to be on this call. That's it. I just want that to be on the record that Chip interrupted Teracita while she was crying no less. I mean how dare you, Chip? How could you do that? You could have given her a few more minutes. You could have given her a warning. You didn't have to --cut her off. We're going to hold you to that, that you're not going to be rude to our community folks --from here on out. (0002-10-1 [Morgan, Leona])

### **2.3.8 NEPA Process: Public Participation - Site Visit and Inspection**

**Comment:** So therefore, there needs to be a much more rigorous approach to engaging the community and looking at the community as a partner in this thing if you want to have any sense that they're satisfied that this plan will work. Many of us don't think it will, but in -- but this is one way that you could show people. Open that site up. Make it transparent. Let's see what the condition of the dam is. It may not be a good site for this. (0002-7-19 [Shuey, Chris])

**Comment:** And allow people in the community to inspect this site. (0002-7-22 [Shuey, Chris])

**Comment:** RWPRC and colleagues have made a simple request of constituents from Environmental Protection Agency (EPA) Region 9 and NRC to walk through Pipeline Arroyo, visit the site, and experience the hydrogeological conditions. (0081-5 [De Pree, Thomas])

### **2.3.9 NEPA Process: Public Participation - Inclusion of Consultants**

**Comment:** Document Page: pg. 5-5, Section: 5.1.1.1.1, Paragraph: 4 Comment: The DEIS references Stantec throughout. Why was Stantec never apart of any meetings, public comments, NRC public Q & A forums, when they are a key stake holder for this future disposal. (0099-2-11 [Navajo Nation Environmental Protection Agency Superfund Program])

### **2.3.10 NEPA Process: Public Participation - Involvement of McKinley County Staff**

**Comment:** Document Page: pg. 5-1, Section: 5.1, Comment Line: line 23, Paragraph: 2 Comment: line states, input from McKinley County. -comment- not once has McKinley being apart of any meetings, discussions, or does the DEIS include any correspondences from McKinley County. What department from McKinley has been involved? And where is the the correspondence. (0099-2-8 [Navajo Nation Environmental Protection Agency Superfund Program])

### **2.3.11 NEPA Process: Public Participation - Question About Virtual Meeting Format**

**Comment:** So my comment would be we've had a chance to participate in other NRC comments. And at that time, they were able to answer some of our questions that we were asking them. So this is a little different for me. And it's kind of like talking to a wall. So is this the usual process? I am a little new to this as well, too. So is there a way for, you know, this question and answer kind of format could be used in the future or is this the way it usually goes? Thank you. (0001-13-1 [Shirley, Valinda])

## **2.4 Comments Concerning Tribal Interactions**

### **2.4.1 NEPA Process: Tribal Interactions - EPA's Role in Tribal Interactions**

**Comment:** During 2005, the Navajo Nation EPA requested USEPA to assume jurisdiction and act as the lead agency. Why then is the USEPA not addressing all the concerns, perspectives, comments, requests, etc., of the Navajo Nation as the main stake holder? (0083-16-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Were these actions ever taken into consideration by USEPA during their process of addressing the solution for the site? What was the solutions? Was the sacred site ever addressed? If so, how and what was the outcome. We would be incarcerated if we were to disturb the White House in any shape, form or matter. This is the same situation here. Social Injustice. (0083-17-2 [Navajo Nation Environmental Protection Agency])

### **2.4.2 NEPA Process: Tribal Interactions - NRC Trust Obligations**

**Comment:** C. The NRC's Preferred Alternative Breaches the United States' Trust Obligation to the Navajo Nation. Like all agencies of the Federal Government, the NRC has a trust obligation to Indian Tribes, including the Navajo Nation. *Cobell v. Norton*, 240 F.3d 1081, 1086 (D.C. Cir. 2001). And like all agencies of the Federal Government, the NRC's trust obligations to the Navajo Nation have several sources. Generally, trust obligations arise from statutes, regulations and treaties. *United States v. Mitchell*, 463 U.S. 206, 224 (1983); see also, U.S. NRC, Office of Material Safety and Safeguards, Tribal Protocol Manual at 17-19 (Oct. 2017). However, the Federal Government's trust obligations are also largely defined by traditional equitable terms. *Cobell v. Norton* at 1099. Whether examining law or equity in this case, the NRC's decisions reflected in the DEIS breach its fiduciary obligations to the Navajo Nation and its members. The NRC, as reflected in the DEIS, has breached its trust obligations to the Navajo Nation in several ways. First, as demonstrated above, the DEIS's failure to consider reasonable alternatives and mitigation measures violates NEPA. However, in the current context, the failure to meet NEPA's requirements also represents a breach of the NRC's trust obligations. When, as here, a federal agency is obligated to act as a fiduciary, it must not merely meet the minimum requirements of administrative law, but must also pass scrutiny under the more stringent standards demanded of a fiduciary. *Cobell v. Norton* at 1099, quoting *Jicarilla Apache Tribe v. Supron Energy Corp.*, 728 F.2d 1555, 1563 (10th Cir. 1984). The DEIS's abject failure to consider reasonable alternatives to the proposed action and reasonable mitigation measures falls far short of the NRC's fiduciary duty to protect Navajo Nation lands and environment. The second way in which the NRC breaches its trust obligation to the Navajo Nation is by breaching the terms of the Treaty of 1868 between the United States and the Navajo Nation ("Treaty of 1868"). The Treaty of 1868 defined certain obligations on the part of the United States. Included among those are the obligations to ensure the health, safety, welfare and wellbeing of the Navajo people (Art. 1, Art. 8); the encouragement of certain kinds of land management, i.e., agriculture (Art. 5, Art. 7); and

the continued occupation and management of reservation lands by a representative of the United States (Art. 4, Art. 8). Interpreted in the light most favorable to the Navajo Nation (Choctaw Nation v. Oklahoma, 397 U.S. 620, 631(1970)), the Treaty of 1868 clearly imposes both resource protection and land management obligations on the United States. Moving waste adjacent to reservation to an existing radioactive waste hazard breaches the United States' obligation to protect Navajo Nation resources, especially land, air, and water. (0072-1-9 [Jantz, Eric])

**Comment:** the NRC's preferred action breaches its trust obligations to the Navajo Nation and its members. As a federal agency, the NRC has a trust obligation to the Navajo Nation and its members that includes meaningful consultation with the Navajo Nation and impacted communities, integrating tribal concerns into remediation plans, and above all, protecting tribal communities' health and welfare. (0100-5 [Commenters, Multiple])

#### **2.4.3 NEPA Process: Tribal Interactions - Inclusion of Community Perspectives on the Proposed Project**

**Comment:** The NRC has obligations under both NEPA and its trust obligations to the Navajo Nation to consider all reasonable alternatives and mitigation measures. In its DEIS evaluating GE's license amendment to consolidate mine waste from the NECRM onto the tailings pile at the UNC Mill, the NRC failed to meet either obligation. (0072-2-9 [Jantz, Eric])

**Comment:** Comment Number: 3, Section: Executive Summary, Document Page: xxiii, Paragraph: N/A Environmental Impacts of the Proposed Action and Alternatives: "The NRC staff recognizes that, while the NRC staff has attempted to accurately capture and describe the perspectives of the Navajo Nation in this EIS, members of the Navajo Nation may hold views that differ from the conclusions presented in this EIS." So, how was this addressed? Or, ignored altogether. (0083-16-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Capturing and Describing the Navajo Nation's Perspective Several places in the DEIS text (first noted on p xxiii, line 40) there are statements to the effect that, "The NRC recognizes that, while the NRC staff has attempted to accurately capture and describe the perspectives of the Navajo Nation"... members of the Navajo Nation may hold views that differ..." (italics added). In review of the document, it was difficult to find the description and capture of Navajo Nation/Navajo community perspectives in both Chapters 3 (Affected Environment) and 4 (Effects of the Action). For example, in the sections describing and evaluating effects on Visual and Scenic Resources (Sections 3.10 and 4.10), these resources are valued using a Bureau of Land Management (BLM) interpretation of the landscape. Here would be a good place for NRC to add the Red Water Pond Road community perspective of what the landscape means to them. This is one example where the community member views of the subject matter could be added. Other examples include in the discussions of land use (Sections 3.2 and 4.2), ecological resources (Sections 3.6 and 4.6), and historic and cultural resources (Sections 3.9 and 4.9). (0094-1-3 [King, Susan])

#### **2.4.4 NEPA Process: Tribal Interactions - Outreach to Ute Mountain Ute Tribe**

**Comment:** The DEIS states that UNC is planning, or considering, the disposing of the PTW at the White Mesa Uranium Mill, near Blanding, Utah. The federally recognized Ute Mountain Ute Tribe, within BIA's Southwest Region, has a community on Tribal trust land located about 3 miles from the mill. The Department recommends, if NRC has not already done so, that NRC



ensure appropriate outreach to the Ute Mountain Ute Tribe to ensure their White Mesa Uranium Mill concerns are considered in the EIS process. (0094-1-7 [King, Susan])

## **2.5 Comments Concerning EPA or Other Agency Authority or Involvement**

### **2.5.1 NEPA Process: EPA or Other Agency Authority or Involvement - Designation and Disposition of PTW**

**Comment:** USEPA requires the removal of Principal Threat Waste (PTW), the most toxic or highly mobile waste, to an off-site facility, but the Navajo Nation also asked, and continues to ask, for off-site removal of mine waste exceeding USEPA's "action level" but not qualifying as PTW. This waste remains a threat to human health and the environment, as noted in the DEIS and as discussed above. (0015-9 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** The EPA is also trying to remove the "potential threat waste" (PTW) designation from the environmental impact statement. (0021-4 [Lee, Virginia])

**Comment:** The EPA is also trying to remove the "potential threat waste" (PTW) designation from the environmental impact statement. PTW is required to be hauled off site. (0026-2 [Commenters, Multiple])

**Comment:** "Potential Threat Waste" is just what it says it is and should be part of the EIS as the Navajo Superfund Groups assert. Years of suffering by the Navajo nation from previous pollution by nuclear waste is apparent. Do the right thing and leave this description as it is. (0029-1 [Anderson, Dorothy])

**Comment:** The final EIS should also identify and require compliance with the Navajo Nation's Radioactive and Related Substances Equipment, Vehicles, Persons and Materials Transportation Act of 2012 should the proposed action include transporting uranium mine waste within the formal Navajo Nation Reservation to the White Mesa Mill. (0036-8 [Kenney, James C.]

**Comment:** To address the varying levels of radioactivity in the NECR mine waste, the EPA has established criteria for segregating excavated waste destined for disposal at the UNC Mill Site that are incorporated into UNC's license amendment request {INTERA, 2018; EPA, 2013a}. According to the EPA and UNC, all NECR mine waste that exceeds 200 picocuries (pCi) per gram (g) radium Ra-226 would be considered a Principal Threat Waste (PTW) and would not be disposed at the UNC Mill Site. UNC's proposal is to transport the PTW to the White Mesa uranium mill in Blanding, Utah. However, UNC is not expected to finalize arrangements for disposal of PTW until EPA authorizes UNC to proceed with implementing the remedial action evaluated in this EIS (after NRC completes its review of the current UNC license amendment request). [Lines 3 to 12, Page 2-5] 2.2.1 [DURAC-a], From the Dine Uranium Remediation Advisory Commission (1 of 1): The Draft EIS anticipates UNC will be permitted to transport PTW (mine waste with radiation exceeding 200 pci/g of radium 226) to the White Mesa Processing site. They did not mention the haulage route, costs, health and safety protocols expected, or identify the Navajo communities located along the proposed haulage routes. Many are secondary highways that may not be suitable to hauling radioactive waste material. It is recommended that the Radioactive and Related Substances Equipment, Vehicles, Persons and Materials Transportation Act of 2012 (NN Code Title 18, Chapter 12-A, §1304 to §1307), a tribal law regulating and restricting the transportation of uranium ore within the Navajo Nation, be amended prior to any transport of radioactive substances. (0038-2-10 [Baheshone, Nona])

**Comment:** You are also trying to remove the "potential threat waste" (PTW) designation from the environmental impact statement. (0058-2 [Landau, Doug])

**Comment:** and keep the PTW designation. (0061-2 [King, Dave])

**Comment:** It is shameful "linguistic toxification" to declare that what was admitted to be "Principal Threat Waste" has somehow instead become "low-level waste" in order to save \$249 million in transportation costs! This is "environmental racism" pure and simple - something the current administration has at least feigned interest in addressing. (0069-6 [Campbell, Bruce])

**Comment:** EPA's request that the "potential threat waste site" be removed from this EIS must be denied. (0070-5 [Hyde, Don])

**Comment:** While examining the November 1991 document called A Guide to Principal Threat and Low-Level Threat Wastes, the little "Highlight 3" box called "Examples of Principal & Low-Level Wastes", I note that all 3 bullet points giving examples of Principal Threat Wastes within that box seem consistent with the need to haul this NECR to an off-site facility not in the midst of Navajo villages or on the Navajo Reservation / Navajo Nation land. (0074-5 [Campbell, Bruce])

**Comment:** I do not believe the claim that "The purpose of and need for the proposed action, therefore, is to facilitate the expeditious and safe disposal of the NECR mine waste from Navajo Nation land to protect human health and the environment from actual or threatened releases of this material." Note there is not one indication that any of these mine wastes and radioactive mill tailings on the 525 AUMs on the Navajo Reservation these main agencies are looking to anything but to linguistically detoxify "principal threat wastes" in order to just haul the waste down the road (in midst of several Navajo communities) at the site which already hosted likely the worst uranium-related disaster in history. It looks like the NRC and EPA hope to avoid mandate to haul material that involved Principal Threat Wastes off-site. Basically dump quick and cheap on and right next to Navajo Nation is the sad theme. (0074-7 [Campbell, Bruce])

**Comment:** Comment Number: 24, Section: 4, Document Page: pg. 4-5, Paragraph: 4 Section 4.2.1.2 address the that EPA has an RCPP for any spills on the haul road. What about the PTW that is to be transported off NN and not to the UNC Mill Site, where is the actions or write up for the transferring NECR PTW Mine Waste to Disposal Site and RCPP for that?? (0083-13-8 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 10, Section: N/A, Document Page: Page 4, Paragraph: N/A U.S.NRC, Overview Draft Environmental Impact Statement for Disposal of Mine Waste at the United Nuclear Corporation Mill Site in McKinley County, New Mexico, October 2020, P4, "Waste from the NECR Mine Site contains varying levels of radioactivity. The EPA has established criteria, including specified levels of radioactivity, for segregating the excavated waste to ensure that waste with higher radioactivity levels is not transferred to the UNC Mill Site. Specifically, all NECR mine waste that exceeds 200 picocuries per gram of radium-226 and/or 500 milligrams per kilogram of uranium would be designated principal threat waste (PTW) and would not be disposed at the UNC Mill Site. UNC is not expected to finalize arrangements for the disposal of PTW at an EPA-approved facility until after the NRC completes its review of the current UNC license amendment request. PTW waste disposal is not proposed in the license amendment application and is not included in the NRC's review of the UNC Mill Site license amendment request." How, when and who will determine what waste material exceeds the limits indicated, and will have to be disposed of at an approved USEPA facility? Why is this not being addressed currently until after the review of the license amendment request? Why is this not a part of the review process? This suggests, how much of the 1,000,000 cu.yds proposed to be

moved is PTW? If there is not an accurate figure of the waste to be moved to the mill site, is the design and all removal processes invalid. Is all the removal actions to date and what is to be invalid, and one big lie? (0083-17-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 7, Section: Proposed Action and Alt, Document Page: pg. 2-6, Paragraph: Line 4 So what ARE their intentions for the PTW? (0083-18-7 [Navajo Nation Environmental Protection Agency])

**Comment:** We don't ever seem to realize that what we do to others we do to ourselves. And only the most greedy and callous would agree that the "potential threat waste" designation should be removed from the EIS. It is from potential actions like this that Americans' trust and faith gets eroded and turned into cynicism against all federal agencies. Do NOT remove this designation from the EIS. Truth cannot take second place to profits, especially when its ramifications will affect peoples' health. (0090-3 [Ohanian, Laura])

### **2.5.2 NEPA Process: EPA or Other Agency Authority or Involvement - Comments About EPA's Applicable or Relevant and Appropriate Requirements (ARARs)**

**Comment:** Applicable or Relevant and Appropriate Requirements The EPA has the authority under CERCLA to determine what federal, state, and tribal requirements are applicable and must be followed during the CERCLA cleanup action. These requirements are referred to as "applicable or relevant and appropriate requirements" (ARARs). The EPA implements only the substantive, not the procedural, requirements of those ARARs, pursuant to CERCLA Section 121 (e)(1). According to the Draft EIS (pg. 1-11), the complete list of the ARARs is provided in Table 11 of the 2013 ROD for the EPA's CERCLA remedial action. However, Tables A-1 to A-3 of the 2011 Non-Time Critical Removal Action Memorandum, incorporated into the 2013 ROD, also include a list of ARARs applicable to the project. While the majority of the ARARs are the same, the tables are not identical. Recommendation: For completeness, please reference Tables A-1, A-2, and A-3 of the 2011 Non-Time Critical Removal Action Memorandum - along with Table 1 of the 2013 Record of Decision - when referring to the complete list of ARARs in the Final EIS. (0040-3 [Prijatelj, Jean])

**Comment:** Comment Number: 23, Section: 1.6.2, Document Page: I-11, Paragraph: 3 Were Navajo Nation laws considered as an ARAR? (0083-21-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 40, Section: ARARs, Document Page: I-11, Paragraph: N/A Were any Navajo Nation laws considered as an ARAR. (0083-7-11 [Navajo Nation Environmental Protection Agency])

**Comment:** Sec 6.3 pp. 6-2/6-3 lines 44-45/1-2: Please note that the licensee must comply with all other laws and regulations, such as the Clean Air Act (for example: National Ambient Air Quality Standards [NAAQS] or Dust Control Plan violations). (0094-3-3 [King, Susan])

### **2.5.3 NEPA Process: EPA or Other Agency Authority or Involvement - Bureau of Indian Affairs Jurisdiction**

**Comment:** Comment Number: 29, Section: 2, Document Page: pg.2-20, Paragraph: 3 Would BIA also be apart of this consultations; in regards to Haul Roads on NN (0083-11-5 [Navajo Nation Environmental Protection Agency])

**Comment:** In fulfilling its mission to serve federally recognized Tribes, BIA has jurisdiction in Indian lands over numerous policy areas as required in the federal regulations, being responsible for land management decisions, leasing, rights-of-way, and related areas for Tribal trust and allotted lands. For example, if in the DEIS there is a haul road proposed that would transfer or haul waste on Tribal trust or allotted lands, the Navajo Regional Office would have substantial review and approval authority under 25 CFR Part 169. If any land taking or land for long-term use, BIA would review and approve any action under 25 CFR Part 162 (leases and permits) and Part 169 (conservation easements). (0094-1-1 [King, Susan])

## **2.6 Comments Concerning Regulatory Framework**

### **2.6.1 Regulatory Framework - Involvement of Other Agencies**

**Comment:** 1.1.2 NECR Mine Site (1.1.2.c) UNC submitted a closeout plan to the New Mexico Mining and Mineral Division in 2004. In 2005, following a request by the Navajo Nation Environmental Protection Agency (NNEPA), the EPA agreed to assume jurisdiction for the mine cleanup and act as the lead regulatory agency for the NECR Mine Site. [pg 1-3, lines 33 to 36] 1.1.2, From the Dine Uranium Remediation Advisory Commission (3 of 4): This section identifies the US EPA as the lead regulatory agency for the NECR Mine Site, and not the Navajo Nation EPA, the New Mexico Mining and Mineral Division or the U.S. NRC. (0038-1-6 [Baheshone, Nona])

**Comment:** 2.2.1 The Proposed Action (Alternative 1) (2.2.1.a) The proposed action is to transfer and dispose approximately 765,000 m<sup>3</sup> [1,000,000 yd<sup>3</sup>] of NECR mine waste on top of the North and Central Cells of the tailings impoundment at the UNC Mill Site (EIS Figure 2.2-1). The associated license amendment also would revise the NRC- approved reclamation plan and schedule for the NRC-licensed UNC Mill Site. The proposed UNC schedule to complete the disposal of the NECR mine waste is approximately 4 years (Stantec, 2018a) . . . [pg 2.2, lines 7 to 12] 2.2.1, From the Dine Uranium Remediation Advisory Commission (1 of 4): The above information from the Draft EIS is included to describe the proposed alternatives, actions, and responsibilities. The Commission did not review the proposed reclamation plan and schedule. (0038-1-7 [Baheshone, Nona])

**Comment:** 1.1.2 NECR Mine Site (1.1.2.d) In 2011, the EPA approved a non-time-critical removal action under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) authority that called for the excavation of waste material from the NECR Mine Site and placement of this waste at the UNC Mill Site, subject to decision documents from USEPA for the UNC Mill Site and an NRC license amendment (EPA, 2011) . . . [pg 1-3, lines 37 to 41] 1.1.2, From the Dine Uranium Remediation Advisory Commission (4 of 4): The waste removals from the NECR Mine Site and relocation to the UNC Mill Site was approved 10-years ago by the U.S. EPA. (0038-1-23 [Baheshone, Nona])

**Comment:** Comment Number: 7, Section: N/A, Document Page: 1-2, Paragraph: N/A Why did NNEPA not raise issues about prior decommissioning and reclamation activities? (0083-17-1 [Navajo Nation Environmental Protection Agency])

**Comment:** like to have EPA do a report to the community and to the official as well (0101-7-1 [Yazzie, Edmund])

## **2.6.2 Regulatory Framework - Custodial Agency for Long-Term Surveillance**

**Comment:** 4.2.1.3 Closure Impacts (4.2.1.3.a) Beyond closure of the disposal site, the future land use for the UNC Mill Site would remain restricted under EPA CERCLA and NRC UMTRCA authority from uses other than long-term oversight and surveillance of the disposal site. This means that residential and industrial use would be prohibited, and grazing uses would be restricted. Upon the completion of reclamation, UNC's license would be terminated, and the site would transfer to a custodial agency {e.g., the Federal government (DOE) or the State of New Mexico] for long-term surveillance and maintenance. . . [pg 4-6, lines 13 to 19] 4.2.1.3, From the Dine Uranium Remediation Advisory Commission (1 of What measures could be implemented now or in the future so that a long-term care custodial agency could allow limited or periodic use for grazing? (0038-1-19 [Baheshone, Nonaj])

**Comment:** The preferred alternative will further blur responsibility for the decommissioned mill site, once the mine waste is encapsulated on top of the mill tailings. Will the NRC and DOE assume responsibility for long-term monitoring of the consolidated waste pile next to an arroyo that is prone to flash flooding? (0056-7 [Watchempino, Laura])

**Comment:** Comment Number: 18, Section: 4, Document Page: pg. 4-6, Paragraph: 3 "custodial agency" why is this not selected yet? Seems that everything else has been thought out, this should be selected as well before the NRC approves the license. Who will it be and why is it not announced in the DEIS (0083-13-9 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 13, Section: 4, Document Page: pg. 4-7, Paragraph: 1 "custodial agency" why is this not selected yet? Seems that everything else has been thought out, this should be selected as well before the NRC approves the license. Who will it be and why is it not announced in the DEIS (0083-13-10 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 5-8, Section: 4, Document Page: pg. 4-21, Paragraph: 1 Upon the completion of reclamation, UNC license would be terminated, and the UNC Mill Site would transfer to a custodial agency(e.g. the DOE or State of NM) for long term surveillance and maintenance. - The entire DEIS is so contradictory, some areas indicate NRC will make observations, etc. and many pages indicate it will be turned over to another party after remediation is complete. Why isn't USEPA and NRC held accountable for the upkeep and inspections of the future repository? (0083-15-3 [Navajo Nation Environmental Protection Agency])

**Comment:** 40. Whoever will be the "custodial agency" should be decided upon prior to a Draft EIS being released. How does the UNC propose to remedy this? (0083-31-6 [Navajo Nation Environmental Protection Agency])

**Comment:** But, going back to jurisdiction, the mill site, and the environmental impact, you know, all of these are -- we are impacted by this. And then, we're down to the location. And at one time, it was said that everything's okay in ERI (sic), or whatever, going to check it the rest of their life, the rest of the companies' life, or whose life? Who's to be checking it? Is it going into effect for the duration? (0096-10-2 [Thomas, Tony])

## **2.6.3 Regulatory Framework - Funding for NNEPA Review**

**Comment:** Provide funding or resources for Technical Assistance chosen by and for the local community (0007-6 [Anonymous, Jamie])

**Comment:** (The Navajo Nation and local RWPRC have been "assured" that the engineered design for the tailings disposal on top of the current Tailings Repository structure have been done by "professionals" and are "incredible", yet no engineered plans have been released for review. These plans should be readily available for 3rd party review) ...the trust that funds this clean up should pay for that 3rd party review to be chosen by the NNEPA. (0083-1-3 [Navajo Nation Environmental Protection Agency])

#### **2.6.4 Regulatory Framework - Role of Agencies**

**Comment:** Another suggestion we have is to continuously consult with the Navajo Nation Department of Justice and Navajo Nation communities to ensure that they support the project. These communities have endured unjustifiable damage to their culture and land, so their compensation and relocation must be taken into consideration. (0019-7 [Davila, Valeria] [Murrieta, Ana] [Urcadez, Austin])

**Comment:** 37. Why should the NNEPA agree to the alternative suggested if it means residents will endure years of harmful activities to move the contamination a mere mile away and with no assurance of a safer environment and clean drinking water? Why must the nearby RWPRC residents live with the current tailings impoundment release forever? (0083-30-9 [Navajo Nation Environmental Protection Agency])

**Comment:** 114. Is the NRC willing to move forward with the proposed action without the approval of the Navajo Nation Tribal Historic Preservation Office as well as the Navajo Nation Environmental Protection Agency? (0083-38-11 [Navajo Nation Environmental Protection Agency])

**Comment:** N. Why is the fact that NNEPA and the RWPRC Have Not Agreed with this plan being ignored? The NECR Mine Site is located on Navajo Nation land. The EPA remedial action ROD describes all activities necessary to remove and dispose the NECR mine waste under CERCLA, including NRC approval of the proposed amendment to UNC's license that would allow disposal at the UNC Mill Site, which would also amend UNC's NRC-approved reclamation plan (EIS Executive Summary xviii). 122. What is the justification the EPA is using for considering the mine site and the mill site as one site under CERCLA? The Navajo Nation does not agree to the EPA utilizing a loophole to disrespect the treatment of Navajo land. (0083-39-7 [Navajo Nation Environmental Protection Agency])

**Comment:** On this (not understandable) agreement, further agreements, we would like to be all involved. Whenever the BIA has a major one for the Navajo Nation, you know, inform us. Let us know what's going on. You know, we're all human beings that live on Pipeline Road, too. (0096-32-1 [Thomas, Tony])

**Comment:** I just have a comment. Who or what community way back did this to approve the license? Who or what organization were all involved that led us to this particular time for this license to be issued. (0096-4-1 [Lewis, Roger])

**Comment:** Is anyone going to answer Roger's question? He asked which organization and who approved this. (0096-6-1 [Pipeline Road Community Member/Anonymous])

**Comment:** Document Page: pg. 5-27, Section: 5.5.2, Comment Line: line 7, Paragraph: 1  
Comment: line states: the EPA has the responsibility of overseeing the NECR - comment- what about co-regulators NNEPA Superfund Program? (0099-2-16 [Navajo Nation Environmental Protection Agency Superfund Program])

### **2.6.5 Regulatory Framework - Permanent Disposal of Mine Waste and UMTRCA Requirements**

**Comment:** Unless the decommissioning plan for UNC mill site addresses the permanent disposal of UNC mine waste, piggybacking these two waste types, along with reclamation authorities, is not authorized. UMTRCA regulations require uranium mill tailings to be isolated from the surrounding environment to maintain long-term protectiveness of human health and the environment. (0056-10 [Watchempino, Laura])

### **2.6.6 Regulatory Framework - Navajo Department of Fish and Wildlife Involvement in EIS**

**Comment:** Comment Number: 24, Section: 1.7.1, Document Page: I-11, Paragraph: N/A Was the Navajo Nation Department of Fish and Wildlife allowed to provide comments and recommendations? (0083-21-6 [Navajo Nation Environmental Protection Agency])

**Comment:** 132. Was Navajo Nation Department of Fish and Wildlife allowed to review and provide comments and recommendations? If not, why not? The Draft EIS should not move forward without this being done. (0083-40-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 41, Section: 1.7.1, Document Page: I-11, Paragraph: N/A Was Navajo Nation Department of Fish and Wildlife allowed to provide comments and recommendations like NMDGF? (0083-8-1 [Navajo Nation Environmental Protection Agency])

### **2.6.7 Regulatory Framework - Coordination with the Bureau of Indian Affairs**

**Comment:** Sec 1.7.3, , p. 1-14, line 7: What type of coordination was conducted with the BIA; it's not referred to in this section. (0094-2-8 [King, Susan])

### **2.6.8 Regulatory Framework - Appropriate Use of CERCLA and UMTRCA**

**Comment:** The document acts like the proposal is a cleanup and acts like the proposed action is a logical use of CERCLA. Yet now I shall quote the "Limitations" portion of the 1991 "Abandoned Uranium Mine Assessment and Cleanup" which reads: "LIMITATIONS Legislation: Unlike the uranium mill tailings cleanup program, there is no specific legislation to address abandoned uranium mines. After the expiration of UMTRCA, neither UMTRCA nor CERCLA provides response authority for releases to soil from uranium mill sites. CERCLA is not ideally tailored to the AUM problem because of low population in the Navajo Nation. Transportation and Disposal: For mine sites that require remediation, options to dispose of wastes in an onsite repository or offsite. Clean closure of these sites would require transporting the waste to a disposal site, which may be hundreds of miles away." (0069-11 [Campbell, Bruce])

## **2.7 Comments Concerning Proposed Action**

### **2.7.1 Proposed Action - General Comments About the Proposed Action**

**Comment:** Now he did remark that he considered moving the North East Church Rock Mine waste to the tailings pile as a, quote unquote, interim solution. It -- you know, I'm --I'm sorry to say, it will be permanent because nobody is going to go back in and redo it, right? (0002-7-7 [Shuey, Chris])

*Public Comments on the Draft Environmental Impact Statement for the Disposal of Mine Waste  
at the United Nuclear Corporation Mill Site in McKinley County, New Mexico*

**Comment:** The selection for the repository is highly questionable, why was it chosen next to an arroyo? (0024-10-2 [Martinez-Silversmith, Lee Anna])

**Comment:** Comment Number: Fig 2-3, Section: 2, Document Page: Pg. 2-3, Paragraph: Figure Why does the ideal location for disposal have to be next to an arroyo? Waste material near a waterway, just does not seem environmental sound of healthy for the publics health. (0083-10-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 3, Section: Introduction, Document Page:Pg. 1-6, Paragraph: Lines 3 and 5 Here again. they are saying that they will transport and arrange the waste. Or do they mean transport, arrange, and dispose of the waste? I presume disposing of the waste entails more than just spreading it out to be flat or whatever. Words have meanings. (0083-18-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 4, Section: Introduction, Document Page: Pg. 1-6, Paragraph: Line 11 Does the existing license allow disposal at the UNC Mill Site?? This is important because if it does not, they will get permission for permanent disposal via this license modification. (0083-18-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 10, Section: 2.2.1.8, Document Page: pg.2-20, Paragraph: Lines 34 and 35 Just noting that "The NRC's proposed action to amend UNC's Mill Site license to allow the mine wastes to be disposed on a portion of the Mill Site does not include closure and reclamation of the entire Mill Site." (0083-18-10 [Navajo Nation Environmental Protection Agency])

**Comment:** 82. Why does the ideal location for disposal have to be next to an arroyo? (0083-35-2 [Navajo Nation Environmental Protection Agency])

**Comment:** As it was said, if approved, it seems to me like that the only solution they have right now, according to your interpreter, it seems like it's pretty proposed already. It's already thought out, how much yards and cubic feet. It seems like they already have the yardage and how much they're going to work up. I mean, it don't seem like there's no other solution. And at one time, I heard it could be built like a hogan. It would bury everything, bury everything in layers and shape it like a hogan, so water can drain off. That's what I've been hearing. So, I think, if approved, to me, I think it's approved already, and we don't know about it. That's my question. (0096-2-1 [Pipeline Road Community Member/Anonymous])

**Comment:** A person asked how much mine waste would be moved to the mill site and asked whether a conveyor would be used to move the waste instead of trucks. This person also asked whether the waste would be moved across Highway 566 and whether there would be cleanup of the little canyon. He also asked what the proposed cover material consists of. (0097-8 [Community Member, Red Water Pond Road])

**Comment:** Is this mine that was mined back in the past, producing the waste during the operation? Is this waste being moved to another location on the site, or in the general area of the mining? (0101-1-1 [Daye, Clara])

**Comment:** Is this presentation working to seek a license to remove the mine waste? And you're trying to get that license or what is this? I kind of don't understand. (0101-2-1 [Jackson, Sarah])



**Comment:** MR. JOHNSON: I have a question about that. One million? Is it you're talking about one million pound? You talking about one million cubic yards? Or are you talking about one million acres of dirt, or waste? MR. JOHNSON: Okay. Of dirt that's going to be taken from the inner, what was it, UNC, which is on the west side of 566? It's going to be transported over to the east side of 566? Am I correct? Or is it vice versa? MR. JOHNSON: Is that land site currently the General Electric, or something in that line of business that owns that private land? (0103-1-1 [Johnson, Johnny])

### **2.7.2 Proposed Action - Haul Roads**

**Comment:** Comment Number: 11, Section: 2, Document Page: pg.2-12, Paragraph: 2 Where is the draft map of this proposed Haul roadway? After complete what will they do with the roadway created? (0083-10-8 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 29, Section: 2, Document Page: pg. 2-17, Paragraph: 3 Reclamation of roadway removal of all material will be transported where? Manifest should be required. (0083-11-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 20, Section: All Alternatives, Document Page: N/A, Paragraph: N/A After completion of the project, all backroads should be demolished. Backroads can lead to increase illegal activity such as illegal trash burning and dumping. (0083-21-2 [Navajo Nation Environmental Protection Agency])

**Comment:** 20. Where is the draft map of this proposed Haul roadway? After completing, what will they do with the roadway created? (0083-29-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 33, Section: All Alternatives, Document Page: N/A, Paragraph: N/A After completion of the project, all backroads should be demolished. Backroads can lead to increase illegal activity such as illegal trash burning and dumping. (0083-7-5 [Navajo Nation Environmental Protection Agency])

### **2.7.3 Proposed Action - Fuel Storage Location**

**Comment:** 134. Where will the fuel be stored? If the fuel is stored on Navajo Trust Land, the Navajo Nation Storage Tank Act would have to apply to the storage of fuel. The storage of fuel needs to be approved before the Draft EIS should move forward. (0083-40-9 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 45, Section: N/A, Document Page: 2-9, Paragraph: 2 of page Where will the fuel be stored? If the fuel is stored on Navajo Trust Land, the Navajo Nation Storage Tank Act would have to apply to the storage of fuel. (0083-8-5 [Navajo Nation Environmental Protection Agency])

### **2.7.4 Proposed Action - Reclamation Plan**

**Comment:** Comment Number: 2, Section: 2, Document Page: pg.2-9, Paragraph: 1 Since 1996?? Has there been any studies on the UNC Mill Site?? (0083-10-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Introduction, pp.1-2, 1-5, lines 15-17; 39: Where there are references to a reclamation plan in text, is it the plan for the mill site, prepared in the 1990s, or is it to the

reclamation plan that will be developed. Where it is the former, we could not find it on the website (0094-2-4 [King, Susan])

## **2.7.5 Proposed Action - Activities Not Included in the Proposed Action**

**Comment:** On the roads, are you planning on widening the roads? (0096-19-1 [Leslie, Sibert])

**Comment:** What we want from there, from us, that we want road improvements up in that area before you even do this, some of it. You know, we're not talking about those things, but we're just talking about what you're already going to do, and we can't have that. We've got to have our part, too; take care of our area. (0096-20-4 [Lewis, Roger])

**Comment:** It sounds like you guys already have all this squared away already. What are we going to benefit out of our part? We're asking for roads and to at least put a bridge there. So, that's what we're asking for. It is, if you're going to do all this -- I don't know how much money it's going to cost you guys, but, on our part, we're trying to ask for a bridge and to widen the roads and fix the roads for us. (0096-21-1 [King, Judy])

**Comment:** And if they could extend it to where we live, where we said there was 15 to 16 (not understandable) up there beyond the Red Water Pond, over the hill, that would really be appreciated. And I think the Pipeline Road, the Pipeline people, the El Paso people, are the ones involved with that pipeline right there. It's very sensitive, and I would think you would have to probably meet with them. It would probably be easier and (not understandable) that road. We have two (not understandable) cavings right now that we're dealing with, and then, at that little bridge site where the water use to run when the mine was in progress. And I remember Mark -- I forget his last name -- he was saying that we should go ahead and grab the military bridge, or something like that. Even that would help. Or even just build the road up to the residents for us. That would help. (0096-34-1 [Pipeline Road Community Member/Anonymous])

**Comment:** Then, we appreciate, also, to get us good water, like (audio interference) all day, all morning, for our livestock and our wildlife. When the earthen lands get too dry in the mountains, they come down and drink water. So, it would be good if you could give us good drinking water for the livestock. And then, maybe we don't have to haul water so much, like two or three times a week into Gallup and back, hauling water for our livestock. And then, if you would -- I know we live on Navajo trust land, but, in return, I think they should give us something for it, for living there, for being patient, accepting everything that came through, instead of just the Navajo Tribe picking up the revenue every time, and we don't get anything over here where we live. And we're in need of a good road or good water. And you can relay this message to the Window Rock Navajo Nation, Jonathan Nez and his crew. (0096-34-3 [Pipeline Road Community Member/Anonymous])

## **2.8 Comments Concerning Purpose and Needs**

### **2.8.1 Purpose and Need - Evaluating the Proposed Action and Alternatives**

**Comment:** Section 1.3 Purpose and Need, page 1-6, lines 12-15: The NRC correctly notes that the purpose of, and need for, the proposed license amendment is to allow for the expeditious and safe disposal of NECR mine waste from Navajo Nation land and that this action will protect human health and the environment from actual or threatened releases of this material. This statement, however, does not capture the full purpose of, and need for, the proposed license amendment. As described in Section 1.3, lines 5-8, the license amendment is needed to implement EPA's selected remedy for the CERCLA action at the NECR Mine Site. The "purpose

and need" statement should be revised as follows: "The purpose of, and need for, the proposed action, therefore, is to facilitate the implementation of EPA's selected remedy for the NECR Mine Site and to ensure the expeditious and safe removal of NECR mine waste from Navajo Nation land to protect human health and the environment from actual or threatened releases of this material." (0041-2 [Hauer, Lance])

**Comment:** Comment Number: 1, Section: Executive Summary, Document Page: xviii, Paragraph: N/A Purpose and Need for the Proposed Action: "The proposed action would also facilitate an EPA CERCLA action to protect human health and the environment from actual or threatened releases of residual mining materials from the NECR Mine Site, as documented in a 2013 EPA Record of Decision (ROD) (EPA, 2013) and referenced in UNC's ER (INTERA, 2018)." If this is true, to protect human health and the environment, why is the waste being moved across the roadway, and will still have an impact on the community? Is this not contradictory? (0083-16-1 [Navajo Nation Environmental Protection Agency])

## **2.9 Comments Concerning Assumptions**

### **2.9.1 Assumptions - Schedule**

**Comment:** Comment Number: 12, Section: 3, Document Page: pg.3-1, Paragraph: 2 approximately 4 years? There is definitely a likely hood this will be longer, the community should know. (0083-11-9 [Navajo Nation Environmental Protection Agency])

**Comment:** 137. Project timeline seems unrealistic in an effort to downplay the impact on the local community. This Draft EIS needs to be revisited with an eye towards reality. Where is the schedule and justification for the current proposed timeline? (0083-40-12 [Navajo Nation Environmental Protection Agency])

## **2.10 Comments Concerning Alternatives**

### **2.10.1 Alternatives - Comments on the EIS No-Action Alternative**

**Comment:** Clearly the radioactive mine waste left abandoned at the NECR site must be removed; leaving it in place would have "large" health and environmental impacts, see, e.g., DEIS Table ES-1 (xx-xxi); DEIS at xxiii-xxiv. Even removal of the waste will have "disproportionately high and adverse environmental impacts" on nearby Navajo communities, due to transportation-related effects, impacts to air quality, increased noise levels, and visual disturbances, id. at xix; Section 4.12, but those impacts will last a few years only, in contrast to the decades of harms from leaving the waste in place. (0015-2 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** it'll be there for ten more years and now you're saying it'll be there forever because there isn't a cost-effective alternative. (0024-6-4 [Gordon, Susan])

**Comment:** 2.2.2 No-Action (Alternative 2)(2.2.2.a) Inclusion of the no-action alternative in the EIS is a NEPA requirement and serves as a comparison to the environmental impacts of the proposed action alternative {Alternative 1}, including the two secondary alternatives: Alternative 1A and Alternative 18. A summary of the impacts for comparison is provided in EIS Table 2.4-1. Under the no-action alternative, the NRC would not amend the UNC license. The no-action alternative would not allow UNC to dispose mine waste on top of the NRC-licensed tailings impoundment at the UNC Mill Site. Without approval for this disposal, the mine waste would temporarily remain at the NECR Mine Site until the EPA selects a different remedy under

CERCLA that involves a different final disposal alternative for the NECR mine waste. [pg. 2-22, lines 27 to 35] 2.2.2 No-Action (Alternative 2)(2.2.2.a) 2.2.2, From the Dine Uranium Remediation Advisory Commission (1 of 4): The U.S. NRC will have license authority under Alternative 1 and Alternative 2, and their basic oversight administration would be similar under both alternatives. Under Alternative 2, the NECR Mine Site waste would not come to the UNC Mill Site and the shared oversight with U.S. EPA would be less except for the shared roll in administering protection of groundwater, surface water, and air quality. There is minimal administrative advantage for the NRC to accept the license revision and Alternative 1 except to join the U.S. EPA in the support of the alternative that reduces the "imminent and substantial endangerment" at the Navajo Nation community in the vicinity of the NECR Mine Site. Not addressed in the current Draft EIS are site protection benefits or detriments that could occur by placement of NECR Mine Site waste with lower concentrations of Ra-226 above the UNC Mill Site tailings with higher concentrations of Ra-226. (0038-1-11 [Baheshone, Nona])

**Comment:** The selection of the Draft EIS No-action Alternative 2 will not remove the mine waste from the Navajo Nation, and a future Environmental Evaluation/Cost Analysis and future action would be required to facilitate permanent waste placement that would isolate the Community from the mine waste hazards. The estimated cost to implement the Draft EIS Alternate 1 (the UNC Mill site repository alternative that is equivalent to 2009 NECR Mine EE/CA Alternative 5) is \$44,300,000, and the estimated cost to implement Draft EIS Alternate 2 (the no-action equivalent to 2009 NECR Mine EE/CA NECR Alternative 1) is \$0. (0038-2-5 [Baheshone, Nona])

**Comment:** 2.2.2 No-Action (Alternative 2) (page 1 of 3) Inclusion of the no-action alternative in the EIS is a NEPA requirement and serves as a comparison to the environmental impacts of the proposed action alternative {Alternative 1}, including the two secondary alternatives: Alternative 1A and Alternative 18. A summary of the impacts for comparison is provided in EIS Table 2.4-1. Under the no-action alternative, the NRC would not amend the UNC license. The no-action alternative would not allow UNC to dispose mine waste on top of the NRC-licensed tailings impoundment at the UNC Mill Site. Without approval for this disposal, the mine waste would temporarily remain at the NECR Mine Site until the EPA selects a different remedy under CERCLA that involves a different final disposal alternative for the NECR mine waste. EPA previously evaluated several alternatives for the removal of NECR mine waste {EPA, 2009}. Alternatives that satisfied the selection criteria included the proposed action and offsite disposal. 2.2.2 No-Action (Alternative 2) (page 2 of 3) EPA conducted a subsequent analysis of possible onsite and offsite disposal options that evaluated 14 sites many of which were not viable due to legal or permitting constraints {EPA, 2011b}. These sites included the NECR Mine Site, the UNC Mill Site, three other facilities licensed to accept low-level radioactive waste, seven existing UMTRCA {mill tailings} sites that contain similar wastes, and two offsite locations where a facility could be built. Of the sites evaluated, only 2 were shown to be clearly viable: disposal at the UNC Mill Site {part of the proposed action}, and disposal at the U.S. Ecology RCRA-permitted disposal facility in Grand View, Idaho (EPA, 2011b). Two other sites (the Waste Control Specialists low-level radioactive waste disposal site in Andrews, Texas and White Mesa uranium mill in Blanding, Utah) were shown to be viable, but less desirable because they would be more difficult and costly to implement. Disposal options at the NECR Mine Site satisfied EPA effectiveness criteria but lacked community acceptance {EIS Section 2.3.1}. . . 2.2.2 No-Action (Alternative 2) (page 3 of 3) Within this context, it is reasonable to assume that a principal consequence of the selection of the no-action alternative would be a delay in removing the NECR mine waste, which would therefore generate different or additional public health or related environmental impacts than what has been determined by EPA for the Church Rock project for disposal at the UNC Mill Site. In documenting their non-time-critical removal action

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for the NECR Mine Site, EPA determined that actual and threatened releases of hazardous substances from the NECR Mine Site, if not addressed by implementing a Non-Time-Critical Removal Action, may continue to present an imminent and substantial endangerment to the public health or welfare or the environment (EPA, 2011a). For this EIS, the NRC assumes that under the no-action alternative, the NECR mine waste would remain on the NECR Mine Site for another estimated 10 years before being disposed at a location other than the UNC Mill Site. [Lines 27 to 46, Page 2.22, and Lines 1 to 14, Page 2-23 ] 2.2.2, From the Dine Uranium Remediation Advisory Commission (1 of 9): It may be important to identify the activities, recommendations, and actions already completed by the US EPA when considering no action (the Draft EIS Alternative 2). In 2009, the US EPA, Region 9 completed the Engineering Evaluation/Cost Analysis Northeast Church Rock (NECR) Mine Site, Gallup, New Mexico (the NECR Mine EE/CA, SDMS DOCID# 2183626, May 30, 2009). This NECR Mine EE/CA included consideration of five basic alternatives: NECR Mine EE/CA Alternative 1 - A no action alternative where no treatment, no containment, and no removal action would occur at the NECR mine site. The Alternative was used as a baseline for comparison with the removal described by the other four action alternatives. The alternative is similar to Alternative 2 presented in 2021 with the NRC's Draft EIS. No direct costs to any party or agency are associated with the no action alternative. (Estimated cost = \$0.0). NECR Mine EE/CA Alternative 1 (No Action) does not propose treatment, containment, or removal of radioactive mine waste from the community. NECR Mine EE/CA Alternative 2- Provides excavation and off-site disposal of all waste and would require the following three steps: a) Excavation of all wastes on NECR mine site; b) Off- site disposal of mine waste; and c) Site restoration with erosion and stormwater controls, regrading and revegetation. (0038-2-16 [Baheshone, Nona])

**Comment:** I will not lash out at conscientious NRC staff members but sincerely request you empathize with the people of Red Water Pond Road Community and agree to their wishes. Let our government and GE corporation come up with the money for Alternative 2, as they have always been able to do, when necessary. This is necessary! Let all of us pay our respective shares and be proud of providing some justice and hope, belatedly at least, for these families and communities. (0070-3 [Hyde, Don])

**Comment:** Comment Number: 44, Section: 4, Document Page: pg.4-1, Paragraph: 3 "the material would temporarily remain at the NECR" - with the many discussions that have occurred while I have been on board for a short time, I am sure many more inquiries of this have come about, of the common question, what will happen to the NECR waste should the community disagree with having placed across the street. In my short time apart of this project, not once has this been the answer given. It has always been it will stay there! it wont be moved, nothing will happen and it will be another 10- 20 years til there is another resolution to move it. Temporarily has never been emphasized in the solution. (0083-13-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 11, Section: 4, Document Page: pg.4-1, Paragraph: 1 "leaving the waste for another estimated 10 years" - why is it estimated for 10 years? Why is there not a lesser time frame in years to address this removal if for years the community, the Navajo Nation government, NN President, other agencies, other committees have requested this to not be moved to UNC Mill site? For years it has been voiced to have the hazardous waste to be removed completely away from Navajo Nation. (0083-13-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 2, Section: Tbl ES-1, Document Page: N/A, Paragraph: N/A What do they mean that a "no action alternative" would have a large impact" until the land is returned to the Navajo Nation"? (0083-18-2 [Navajo Nation Environmental Protection Agency])

## **2.10.2 Alternatives - Cleanup Alternative Selection Method**

**Comment:** Nuclear waste materials are difficult to dispose of. Cross state transportation to either US Ecology in Idaho or other decontamination sites posed a higher possible environmental contamination and health hazard risk. The offsite transport to Idaho or Utah alternate being dismissed was the best decision. A large outcry against the project was a possible outcome if it was preferred. (0018-4 [Pederson, Mathew])

**Comment:** 2.2.2 No-Action (Alternative 2) (2.2.2.b) EPA previously evaluated several alternatives for the removal of NECR mine waste {EPA, 2009}. Alternatives that satisfied the selection criteria included the proposed action and offsite disposal. EPA conducted a subsequent analysis of possible onsite and offsite disposal options that evaluated 14 sites many of which were not viable due to legal or permitting constraints (EPA, 2011b). These sites included the NECR Mine Site, the UNC Mill Site, three other facilities licensed to accept low-level radioactive waste, seven existing UMTRCA {mill tailings} sites that contain similar wastes, and two offsite locations where a facility could be built. Of the sites evaluated, only 2 were shown to be clearly viable: disposal at the UNC Mill Site (part of the proposed action), and disposal at the U.S. Ecology RCRA-permitted disposal facility in Grand View, Idaho (EPA, 2011b). Two other sites (the Waste Control Specialists low-level radioactive waste disposal site in Andrews, Texas and White Mesa uranium mill in Blanding, Utah) were shown to be viable, but less desirable because they would be more difficult and costly to implement. Disposal options at the NECR Mine Site satisfied EPA effectiveness criteria but lacked community acceptance (EIS Section 2.3.1). [pg. 2-22, lines 36 to 46, & pg. 2-23, lines 1 to 3] (0038-1-12 [Baheshone, Nona])

**Comment:** The 2009 NECR Mine EE/CA Alternative 2 included the costs for: excavation of all wastes on the NECR Mine Site; off-site disposal of all mine wastes at the US Ecology, Inc. licensed disposal site near Grand View, Idaho.; and site restoration with erosion and stormwater controls, and revegetation. A description of the alternatives considered in 2009 for the NECR Mine Site are contained in the U.S. EPA (2013) Record of Decision: United Nuclear Corporation Site, McKinley County, New Mexico, Part 3 Responsiveness Summary, appear to be applicable to the discussions of Alternative 1 and 2 in the Draft EIS. owever, the dismissal of the 2009 NECR Mine EE/CA Alternative 2 from consideration because of cost leaves no alternative(s) in the Draft EIS when "removal of mine waste from the community" is to be included in a comprehensive analysis and evaluation. A section from the US EPA 2013 Record of Decision is repeated here as a quotation from the record. 2.2.2 No-Action (Alternative 2) (2.2.2.c) As explained above, in the September 29, 2011, Action Memorandum for the NECR Site, EPA made its selected removal action contingent upon both modification of the license issued by the NRC for the UNC site, and upon issuance of an appropriate decision document by EPA Region 6 consistent with the NCP, 40 CFR Part 300. This Responsiveness Summary is part of a ROD that is the decision document that documents EPA's decision to go ahead with disposal of the NECR Site mine waste at the UNC Site as called for in the September 29, 2011, Action Memorandum for the NECR Site. Part of this ROD for the Surface Soil Operable Unit of the UNC Site includes a cost-effectiveness analysis (see Section 2.10.7). Generally speaking, EPA has decided that the Selected Remedy for the Surface Soil Operable Unit is cost-effective based on an evaluation of its costs compared to its overall effectiveness. [Ref: U.S. Environmental Protection Agency, Region 6, Dallas, Texas, March 29, 2013, Record of

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Decision: United Nuclear Corporation Site, McKinley County, New Mexico, EPA ID: NMD030443303, Part 3 Responsiveness Summary, 3.3 Summary of Comments Received During the Public Comment Period and EPA Responses, 3.3.1.14 Alternatives Report and Cost, page 66] 2.2.2 No-Action (Alternative 2) (2.2.2.c) 2.2.2, From the Dine Uranium Remediation Advisory Commission (4 of 4): If the Draft EIS Alternative 2 (No-Action) is selected, then Draft EIS Alternative 1 would be rejected, and concurrently the 2009 NECR Mine EE/CA Alternative 5 (Consolidation of the NECR waste into the existing cells on the UNC mill facility) would be rejected. The Draft EIS No-Action is not permanent because the Record of Decision calls for another analysis and assessment. f 2009 NECR Mine EE/CA Alternative 2 (Excavation and off-site disposal of all wastes) with a detailed cost estimate of \$293,600,000 is also rejected as "much less cost effective" and not worthy of further consideration, then the remaining alternatives for the 2009 NECR Mine EE/CA would be NECR Mine EE/CA Alternative 1 (No-action) with an estimated cost of \$0, NECR Mine EE/CA Alternative 3 (Consolidation and Covering of Wastes at the NECR Mine Site) with a detailed cost estimate of \$25,800,000, and NECR Mine EE/CA Alternative 4 (Construction of Lined/Capped Repository at the NECR Mine Site with a detailed cost estimate of \$32,000,000. Additional costs of \$2,700,000 are estimated if the small quantity of principal threat waste (PTW) taken to the licensed facility at Grandview, Idaho or to White Mesa, UT. Without a cost-effective alternative that modifies or replaces 2009 NECR Mine EE/CA Alternative 2 (Excavation and off-site disposal of all wastes), none of the remaining four 2009 NECR Mine EE/CA alternatives (No. 1, 3, 4 and 5) would remove the NECR Mine Site waste far from the Community, and three of the remaining NECR Mine EE/CA Alternatives (No. 1, 3, and 4) would not remove the NECR Mine Site Waste from the Navajo Nation. (0038-1-14 [Baheshone, Nonaj])

**Comment:** Public Comments According to the Draft EIS, some members of local Tribes have expressed that, while they want the mine waste moved off the NECR Mine Site, moving the mine waste to the UNC Mill Site is not an acceptable alternative to them (pg. 8-2). We note that this sentiment was also expressed during the public meetings held on December 2, 2020, December 9, 2020, and April 29, 2021. As described in the Draft EIS (pg. 2-22), the EPA previously evaluated several alternatives for the removal of NECR mine waste including an in-depth analysis of both onsite and offsite disposal options discussed in the 2009 EE/CA. After receiving public comments suggesting additional disposal option locations, the EPA completed a subsequent evaluation<sup>2</sup> of 14 disposal sites. The three regulatory evaluation criteria the EPA uses for remedy selection in removal actions are effectiveness, implementability and cost. The 2009 EE/CA, which also went through a public comment process, concluded that disposal at a licensed disposal facility would increase the cost by a factor of almost seven over disposal of the waste at the UNC Mill Site. The EPA selected the least expensive alternative that was protective, met all requirements in the National Oil and Hazardous Substances Pollution Contingency Plan, and removed waste from Tribal lands (2013 ROD, pgs. 65 & 99). The responsiveness summary to public comments on the 2009 EE/CA is included in the 2011 Non-Time Critical Removal Action Memorandum for NECR. These documents are available at <https://www.epa.gov/navajo-nation-uranium-cleanup/northeast-church-rock-mine>.

**Recommendation:** In the Final EIS, summarize the comments received in the public meetings in 2020 and 2021. Clearly illustrate the remedy selection process under CERCLA and clarify the role of the EPA. (0040-8 [Priatelj, Jean])

**Comment:** EPA's proposed alternative prioritizes the interests of regulators and United Nuclear Corporation (UNC), now General Electric, in relocating UNC mine waste onto its patch of private property nestled within Navajo Nation trust lands. (0056-2 [Watchempino, Laura])

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**Comment:** Comment Number: 41, Section: 2, Document Page: pg.2-23, Paragraph: 4 EPA evaluated based only it seems;not overall protection Navajo humans & the environment (0083-11-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 28, Section: 2, Document Page: pg.2-24, Paragraph: 2 Other sites that have impacts where is their waste disposed? That are non-minority lands. (0083-11-8 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 6, Section: 1.1.2, Document Page: 1-4, Paragraph: N/A "The EPA made its endangerment determination considering the high levels of radioactivity in soils at the site, the potential for migration to residential areas and absorption into the food chain, natural conditions that may exacerbate migration, and the unavailability of other mechanisms to mitigate the harm. In 2013, the EPA selected and approved a CERCLA remedial action (EPA, 2013) to implement the removal action and dispose the NECR mine waste on top of the tailings impoundment at the UNC Mill Site, contingent upon modification of the license issued by the NRC for the UNC Mill Site." Why than is the waste being moved across the road, and not away from the community if there are high levels of radioactivity? The waste will still be in the immediate vicinity of the community, and nothing is resolved. Reminds one of a Native American adage about Daylight Savings time. It is like cutting 2 inches off the top of a blanket, sewing it to the bottom, and think you have a longer blanket. (0083-16-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 11, Section: 2.3.1, Document Page: pg. 2-23, Paragraph: Line 18 Why wasn't complete removal considered as an alternative? Can we still have removal? They say the waste will remain where it is for 10 more years while they look for a place to take it. Can we call this disposing and disposal of the mine waste at the mill site an interm disposal activity and require them to look for and find another permanent repository? (0083-18-11 [Navajo Nation Environmental Protection Agency])

**Comment:** There has never been any negotiating with USEPA for selection of a different location for repository not on the Navajo Nation or within close boundaries of the Navajo Nation. (0083-2-3 [Navajo Nation Environmental Protection Agency])

**Comment:** From day one, the Navajo Nation and communities within have been voicing that they are not happy with the location selection for the proposed repository. The selection for the repository is only  $\frac{3}{4}$  of mile from the Red Water Pond Community, and less than  $\frac{1}{2}$  mile upland from Pinedale Community. This does not fit the desire of maintaining safety for the public health in this community. Hence a quote "it is major Federal action significantly affecting the quality of the human environment." (U.S. NRC DEIS pg. xvii) This proposed repository is a significant decision and the Navajo communities within this area. have been and will be affected by it adversely if the DEIS is approved. (0083-2-15 [Navajo Nation Environmental Protection Agency])

**Comment:** The DEIS presented one alternative which is to haul mine waste to the nearby Superfund site to rebury the waste. (0083-26-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 136. Moving this type of hazardous waste, a mere few miles from a residential location would not be acceptable in any non-minority community. Where is the justification for this action? If the justification is only about lack of funding, why is this action being proposed instead of finding more funding? (0083-40-11 [Navajo Nation Environmental Protection Agency])



### **2.10.3 Alternatives - Calls to Move the NECR Mine Waste Further Away from the Navajo Nation**

**Comment:** I think that this waste should be moved off of the Navajo Nation completely. The Navajo Nation people have suffered enough. They've been impacted by these mine wastes for decades. There's generations, children and many Dinés' health and well-being have suffered. (0001-10-2 [Navajo Nation Environmental Protection Agency Superfund Program\Martinez-Silversmith, Lee Anna])

**Comment:** I would suggest that we look at another alternative, and that is remove all the waste from that community, which is so close to the Puerco River, that we should not be able to have that so close, which already sees a breakthrough. So, I would hope that you would move the waste away from that community and restore the land. (0001-2-2 [Anonymous, Marlene])

**Comment:** It should be removed from their land. It is ridiculous that that isn't even mentioned in this environmental report. It is extortion to say to the people who have been suffering all of these decades that they can either accept these solutions or they can wait another 10 years or more for something to happen. (0001-20-3 [Moe, Tammi])

**Comment:** I like to voice my concerns about just moving the mine waste over the hilltop on down to the mill site and transportation of this mine waste is very, very, very close to all these residents, the Red Water Pond Community. And as one of the commenters said, that -- and I've always said it before that this mine waste should be moved out of the community someplace else... (0001-3-3 [King, Larry])

**Comment:** We want the waste that you allow to be created taken out of our communities. We don't want you to move it across the street, you know, whether it's by trucks or a conveyor belt. This is ridiculous. Put it somewhere else. (0001-4-7 [Morgan, Leona])

**Comment:** This is a permanent waste site. If you allow this, this sets the precedent for creating 523 permanent waste sites on the Navajo Nation, not to mention the 15,000 abandoned mines across the country. And if you continue to do this and allow this type of cleanup, which creates bigger problems for the future, it's unending. Please do the right thing. Make sure the mine waste is taken out -- off the Navajo Nation. And I'm not talking about a place down the road in a different jurisdiction. We want a comprehensive plan that includes the wellness of our communities, which is also part of our healing for our Mother Earth. (0001-4-16 [Morgan, Leona])

**Comment:** the thing about it is the EPA and General Electric never really listened to the community. When we said we wanted it out -- the contaminated soil, everything -- we wanted it out of the community. And all they did was just move it -- was just basically moving across the street. (0002-4-4 [Keyanna, Teracita])

**Comment:** And you know, there's no -- there's no alternatives for taking this off site. You're not -- you're just buying in to what EPA said. They did a perfunctory survey of uranium mill tailings companies, hey, you got room for some mine waste? No, we don't sir, thank you. And that was it. They -- it was not a rigorous, scientific analysis of potential alternative disposal sites that would consolidate the uranium waste on the Navajo Nation in places away from people using geotechnical characteristics that are consistent with the NRC's Appendix A mill licensing requirements and that protect public health for the long term of the hazards of these waste. (0002-7-14 [Shuey, Chris])

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**Comment:** So come up with better alternatives, including an analysis of -- of off-site disposal. (0002-7-20 [Shuey, Chris])

**Comment:** It is important to remove these toxic wastes from the Navajo Nation, but the final location and the transport must be carefully determined to protect these communities. (0010-3 [Verhulst, Johannah])

**Comment:** The DEIS also recognizes that these nearby communities are environmental justice communities (minority and low-income populations). Id. at xix, xx (Table ES-1). We owe them the best solution possible, which in their minds and my own is to remove the waste to an appropriate repository away from the Navajo Nation. (0015-3 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** The Navajo Nation therefore remains steadfast in its position that all NECR radioactive mine waste registering above USEPA's action level should be removed from the community; simply transporting it to a facility less than one mile away from the reservation boundary, while it technically is removing it from the Navajo Nation, in reality is just taking it from one side of the road to the other. (0015-6 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** Since the United States led the effort to conduct uranium mining on the Navajo Nation, which resulted in approximately 30 million tons of uranium ore being extracted from Navajo lands from 1944 to 1986, it would seem appropriate for the United States to support the complete removal of the uranium waste that was improperly left behind from that effort. If additional funding is needed to achieve that goal, such appropriations should be considered as well. (0015-7 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** The Navajo Nation has asked USEPA in the past to require the radioactive uranium waste currently at NECR to be transported to an offsite waste repository away from the Red Water Pond Road Community and other communities in the area. (0015-8 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** The NRC wants to grant a license amendment to the company set to dispose of the mine waste, allowing it to dump waste within the Navajo reservation, a cheaper option - by about \$249 million - than disposing of it off site. (0021-1 [Lee, Virginia])

**Comment:** Rather, require the company to haul the potential threat waste off site. (0021-3 [Lee, Virginia])

**Comment:** If it is not, as you would like to say, a "potential threat waste," then you should have no problem finding an off-reservation site for its disposal. (0022-2 [Woodcock, Charlene])

**Comment:** However, we all know, science has demonstrated, that radioactive waste is absolutely a health threat. It must be removed from the Navajo reservation. (0022-3 [Woodcock, Charlene])

**Comment:** So please, do not give this company any discount but instead make them pay the costs of hauling their toxic waste off site, just so we can all sleep a bit better knowing justice has been served. (0023-4 [Hanns, Sean])

**Comment:** I guess in general I just have a question, that being why do we even have the two options, the two extremes, one being that the waste could be all hauled away somewhere and the other one being that it could just stay as is. I think it's misleading to all of us, especially the

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community members to even talk about the two options when they're not really an option at all. And the idea of hauling it all away, we know it's a financial issue and why can't that just be brought up. (0024-11-1 [Jenkins, Darlene])

**Comment:** I think we spent too much time and money on this thing of moving the waste across the road. Nobody wants it across the road, they want it out of there. (0024-20-5 [Arviso, Alyssa])

**Comment:** MS. PERRET: And since there is going to be removal offsite, what is really holding back removing all of the mine waste, which the community wants? And since they have already been subject to environmental injustice. MS. JACOBS: The 1 million yards of cubic mine waste, you're asking why can't all that entire volume be taken off site to a far-away licensed facility? MS. PERRET: Yes. MS. JACOBS: We evaluated that alternative and in addition to being about seven times greater in cost, it also would take nine years for the facility we evaluated and it would also take many millions of miles of truck traffic resulting traffic fatalities. So, it's also not a perfect answer, we can't choose it because of the cost criteria. (0024-4-2 [Perret, Marlene])

**Comment:** This process is completely unacceptable, the only acceptable alternative that has to be considered is moving the pile away from the community, not half of a mile down the road, moving it away and bringing restorative justice to the Red Water Pond Road community. (0024-6-6 [Gordon, Susan])

**Comment:** we want that offsite removal, it needs to be done, we need to have a community looked after when it comes to their medical, their health, because this has been too long... And so the community has been already verbalizing that they wanted offsite removal. I don't know why nobody wants to listen to that. So, please just listen now, figure it out. (0024-8-6 [Keyanna, Teracita])

**Comment:** The NRC wants to grant a license amendment to the company set to dispose of the mine waste, allowing it to dump waste within the Navajo reservation, a cheaper option - by about \$249 million - than disposing of it off site. (0026-1 [Commenters, Multiple])

**Comment:** Please show me that I am wrong and do not allow the Navajo people to be trashed all over again. Keep the "potential threat waste" designation and make the mine owners remove this waste completely from the reservation and dispose of it properly where it will not expose anyone, Native or not, to its toxic burden. (0027-5 [Reade, Deborah])

**Comment:** Take it off site. The Diné have had too much exposure already. (0028-1 [Wolman, Carol])

**Comment:** As we have repeatedly expressed to both U.S. EPA and NRC, we insist that the NECRM waste be removed to an appropriate site outside the boundaries of Navajo Indian Country. (0030-4 [Jantz, Eric])

**Comment:** Despite our insistence on an equitable solution to the mine waste contamination in our community, the DEIS does not include an alternative to remove the NECR Mine waste to an off-Navajo disposal site. In fact, the only alternative proposed in the DEIS is removal, in one way or another, to the UNC tailings impoundment, ignoring the threats to this location of erosion due to flash floods in the nearby Pipeline arroyo and the continued harm this waste will have on the Community. (0030-7 [Jantz, Eric])

**Comment:** Recently, our position was supported by President Nez and Vice President Lizer in a letter to NRC dated April 12, 2021. They stated, "the Navajo Nation remains steadfast in its

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position that all NECR radioactive mine waste registering above USEPA's action level should be removed from the community." (0031-3 [Commenters, Multiple])

**Comment:** RWPRCA is sending a letter to NRC that restates our position and strongly recommends that the Navajo Nation lead a multi-stakeholder effort to find suitable sites for permanent disposal of uranium mines outside of the Navajo Nation. (0031-4 [Commenters, Multiple])

**Comment:** I am writing to you to request that you work with the Navajo leadership (President Nez and Vice President Lizer ) to remove the uranium tailings (mine waste) and find suitable sites for permanent disposal of uranium mines outside of the Navajo Nation. The group has advocated that the wastes be removed since 2006 to repair and restore their lands and health. This seems a very reasonable request. Honor the Native Peoples and take these hazardous wastes out and away from their lands. (0032-1 [Orlinski, Patricia])

**Comment:** Public and Occupational and Health and Safety, Health Effects, Complete removal of all mine waste and tailings off the Navajo Nation and away from the Navajo Nation permanently. (0038-2-3 [Baheshone, Nona])

**Comment:** The Proposed Action (Alternative 1) is to amend United Nuclear Corporation (UNC) Source Material License SUA-1475 to allow UNC to transfer and dispose approximately 765,000 cubic meters (m<sup>3</sup>) [1,000,000 cubic yards (yd<sup>3</sup>)] of Northeast Church Rock (NECR) mine waste on top of a portion of the UNC Mill Site tailings impoundment in northwestern New Mexico. This action will provide complete removal of all mine waste and tailings off the Navajo Nation permanently, but the action will not place the removed mine waste away from the Community. If implemented, the proposed Draft EIS Alternative 1 would permanently eliminate need for future mine waste relocation and reduces the necessity for future action to remove mine waste from the community. (0038-2-4 [Baheshone, Nona])

**Comment:** A licensed disposal site in Grandview, Idaho was identified in the 2009 NECR Mine EE/CA as the most feasible site for permanent use as the Alternative 2 (off-site disposal of all waste) repository. Due to the large number of truckloads (35,000 loads) and the long drive to Grandview, Idaho (12 hours), it is estimated that the time period of implementation of Alternative 2 would be nine (9) years. With the large number of transport miles and the possibility of transport incidents the US EPA's NECR Mine EE/CA determined that Alternative 2 presents higher risk to the general public and presents the highest risk of the four action alternatives. A detailed cost estimate for Alternative 2 is in the NECR Mine EE/CA. The NECR Mine waste would be considered RCRA Hazardous Class 1 waste, with a resulting total cost for Alternative 2 estimated to be \$293,600,000. This is over five times the estimated cost of the next most costly alternative. The Alternative 2 estimated cost includes 64.9% (~\$191 Million) for transportation to the Idaho repository by licensed hazardous waste carriers, 24.9% (~\$73 Million) for the repository disposal fee, 4.6% (~\$14 Million) for NECR Mine site construction, 3.2% (~\$9 Million) for direct labor and materials, and 2.4% (~\$7 Million) for designs and plans. Opposition from impacted community to the average of 15 trucks per day traveling each way on the transportation route for nine years could be as significant an obstacle as the extraordinarily high cost of NECR Mine EE/CA Alternative 2. When US EPA compared costs of the 2009 NECR Mine EE/CA Alternative 2 with Alternative 5, Alternative 5 was "much more cost-effective"; and by implication NECR Mine EE/CA Alternative 2 was much less cost effective. If NECR Mine EE/CA Alternative 2 (Relocate to Idaho Repository) must be rejected because it is not cost effective, then NECR EE/CA Alternatives 1 (No Action) 3 (Consolidate and Cover at NECR mine) , 4 (Construct Repository at NECR mine) and 5 (Move to UNC mill site) would be

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remaining. The US EPA "Post EE/CA Analysis of Alternatives" (2011b, 13 pages) provides a useful summary of some non-feasible sites but does not include a comprehensive evaluation and analysis of alternatives to remove mine waste from the community. (0038-2-18 [Baheshone, Nona])

**Comment:** The Red Water Pond Road Community has been impacted by the mine waste from both the NECR Mine and the Quivira mines; and to protect the community in the long term, the wastes from both mines should be remediated in accordance with Navajo Nation President Jonathan Nez's Statement on DEIS for Disposal of NECR Mine Waste at UNC Mill Site dated 4/12/2021, the principles provided by the Dine Fundamental Laws (NNC, Title 1, Ch2, §201 - §205), and the "Potential Mitigation Measures Identified by the Navajo Nation" in DEIS Table 6.4-1. (0038-2-20 [Baheshone, Nona])

**Comment:** The Red Water Pond Road Community is demanding that the Northeast Churchrock Mine Wastes be removed from their community and from the boundary of Navajo Nation lands and we sign this letter in solidarity of their position. (0039-1 [Commenters, Multiple])

**Comment:** NRC must work with the RWPR and the Navajo Nation to create a new alternative to move uranium waste OUT of the area entirely, as safely as possible, and not to other, already impacted communities. (0042-5 [Morgan, Leona])

**Comment:** I urgently petition you to remove from the Red Water Pond Road Community these life-threatening uranium tailings which come from NECRM, UNC and the Quivira Mine through your agency. Neither you nor I would want these poisonous substances in our backyard, being washed into land where our children play and our grandmothers walk. (0043-2 [Gardner, Rebecca])

**Comment:** Please make sure that the waste is hauled to an official toxic waste dump, that the piles of waste be removed and the area cleaned so that children can play on the land that has been designated for indigenous people. (0044-2 [Tache, Janet])

**Comment:** The Navajo community has been insistent that the wastes be moved out of the area, and explain that the proposed location is not suitable, as it is in a floodplain and may lead to a second Churchrock uranium spill. (0048-2 [LaCerva, Vittorio])

**Comment:** There is also concern for dumping waste on another indigenous community. (0048-3 [LaCerva, Vittorio])

**Comment:** I support the Navajo Nation in its position that all NECR radioactive mine waste registering above USEPA's action level should be removed from the community. (0051-1 [Butler, Edward])

**Comment:** They want that toxic waste removed to a different location (a safe, licensed location). (0052-2 [Anderson, Glen])

**Comment:** Simply, I IMPLORE the Health, Education and Human Services Committee to support the rights and the safety of the Navajo people and to work with Executive Branch officials to solve the problem and move mine wastes to a few safe, monitored locations outside of the Navajo Nation. (0052-4 [Anderson, Glen])

**Comment:** In the interest of fairness and racial equity, you must require that these wastes be moved outside of the Navaho Reservation and that the existing plan for consolidation of wastes

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on-site be abandoned. This is the only mitigation alternative that will fully protect their environmental and public health now and for future generations. (0055-2 [Bogen, Doug])

**Comment:** Dispose of this stuff in a safe way off of Reservation lands (0061-1 [King, Dave])

**Comment:** The Navajo people have suffered enough. Please move potentially hazardous waste far from the reservation. (0062-1 [Wolman, Carol])

**Comment:** The waste needs to be moved off Navajo Nation completely to another site where there has been fully-informed consent to accept the waste. The Red Water Pond Road Community Association has repeatedly asked for this after bearing the brunt of the wastes and spill in their community. (0063-2 [Lundeen, Kelly])

**Comment:** Please haul your nuclear waste away from Navajo land. The Navajo Nation has already suffered far too much at the hands of the nuclear industry. (0065-1 [Sager, Tom and Helen])

**Comment:** I ask that the NRC and U.S. EPA take the following steps with respect to removal of the NECRM and subsequently Quivira Mine waste: 1. The NRC should withdraw the DEIS from further consideration and instead start a process, in cooperation with impacted communities, Navajo Nation agencies, and other Federal and New Mexico regulatory agencies, and, to look for acceptable disposal sites for AUM and mill wastes in the region that are outside the Navajo Nation and not immediately adjacent to the Navajo Nation; (0066-1 [Frederick, Karl])

**Comment:** The mine wastes should be removed from the Navajo community to a licensed, offsite disposal facility to repair and restore our lands and health. (0068-2 [Edson, Dan])

**Comment:** o please withdraw the EIS, but if continue with the process, offer a reasonable range of alternatives in a Supplemental Draft EIS including options outside of Indian county (and I do not count one private inholding surrounded by the Navajo Res to be "outside of Indian country". (0069-3 [Campbell, Bruce])

**Comment:** I notice that page xviii says that: "Navajo Nation lands also surround the proposed project area." I do not consider one in-holding owned by a reckless extraction company surrounded by Navajo Nation lands to be "off of Indian land", so find another site! (0069-8 [Campbell, Bruce])

**Comment:** The proposal to haul the massive amount of radioactive mill tailings down the road to the mill site is a Trojan Horse in order to keep most radioactive mill tailings on the Navajo Reservation after all. If the largest uranium mine on the Navajo Res, and the only one to be declared an "EPA lead" project or a Superfund site (the NECR mine) can conveniently be linguistically downgraded so that this huge amount of radioactive material need not be transported off of the Navajo, then it can happen with any and all of the other approximately 524 other uranium mines on the Navajo Reservation!!! (0069-9 [Campbell, Bruce])

**Comment:** Ashley Waldron of the NRC notes that: ""The U.S. EPA noted in its decision that the community and the Navajo Nation government had supported the transfer to a licensed repository further away from the Navajo Nation," said Waldron." The Navajo Times continues: "The Navajo Nation has asked U.S. EPA in the past to require the radioactive uranium waste currently at NECR to be transported to an offsite waste repository away from the Red Water Pond Road Community and other communities. U.S. EPA requires the removal of Principal

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Threat Waste, the most toxic or highly mobile waste, to an off-site facility." (0069-10 [Campbell, Bruce])

**Comment:** I support the requests and demands of the Red Water Pond Road Community to transport all the radioactive waste from NECR away from their community. (0070-1 [Hyde, Don])

**Comment:** They also are respectful of the health and safety of other tribal communities such that none of that waste be deposited on their land and in their communities. (0070-2 [Hyde, Don])

**Comment:** The proposed plan is insufficient, as it does not include the documented requests of the Red Water Pond Road community to move the waste out of the area. NRC must work with the Navajo Nation EPA Superfund to create a new alternative to move uranium waste out entirely, as safely as possible, and not to other overburdened communities. Clean up must be done to the highest standards, including ongoing monitoring of groundwater, air, and soil. Clean up must be immediate. The U.S. must not delay clean up or base quality of clean up on available funds. (0071-2 [Commenters, Multiple])

**Comment:** The Community is, as has been the case since the United States Environmental Protection Agency ("U.S. EPA") first proposed consolidating NECRM waste at the UNC Mill, opposed to this proposed waste consolidation plan. Instead, the Community demands that NECRM waste be removed to a site off the Navajo Nation and out of Navajo Indian Country. (0072-1-2 [Jantz, Eric])

**Comment:** Consequently, the Community demands that the NRC deny GE's proposed license amendment and meaningfully evaluate all reasonable alternatives to waste consolidation at the UNC Mill, including moving the waste out of Navajo Indian Country or, alternatively, collectively relocating the Community to a culturally appropriate location of their choosing. (0072-2-10 [Jantz, Eric])

**Comment:** Please immediately withdraw the DEIS and begin an appropriate process of consideration that includes impacted communities, Navajo Nation agencies and other regulatory bodies-- with the goal of finding acceptable disposal sites OUTSIDE THE NAVAJO NATION and also not next to the Navajo Nation. (0075-2 [Antonoplos, Barbara])

**Comment:** It is decidedly short-sighted and unjust to not consider a site for disposal of contaminated mine waste AWAY from the Navajo Nation, especially after so much harm has been done to Navajo land and communities for so long already. (0075-4 [Antonoplos, Barbara])

**Comment:** I know what the Navajo asked for in the beginning: removal of all the polluted wastes. They repeat it and repeat it. The record shows back to the Waxman hearings this cleanup was intended to meet the needs of the Navajo, to meet their spiritual, mental and physical needs for none of the contamination to remain- (0077-2 [Richards, Linda])

**Comment:** Nuclear pollution has, in particular, adversely impacted The Red Pond Community and they have been exposed to toxic mine wastes since 1969. Since 2006, their group has advocated that uranium mine wastes be removed from our community to a licensed, offsite disposal facility to repair and restore our lands and health. (0077-5 [Richards, Linda])

**Comment:** This is a travesty to be so disrespected and endangered by public policy that allows this long lived and dangerous pollution to fester. USEPA MUST honor sovereignty and the requests of President Nez and Vice President Lizer in a letter to NRC dated April 12, 2021. They stated, "the Navajo Nation remains steadfast in its position that all NECR radioactive mine

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waste registering above USEPA's action level should be removed from the community." (0077-8 [Richards, Linda])

**Comment:** Please work with Navajo Nation EPA Superfund to develop a plan for removal that will truly help rather than add insult to injury. (0078-2 [Field, Norma])

**Comment:** I am writing to urge you to remove all contaminated nuclear waste off the Navajo Reservation to an offsite facility. (0080-1 [Taylor, Joan])

**Comment:** • President Nez and Vice President Lizer support the demands of RWPRCA and colleagues that, "the Navajo Nation remains steadfast in its position that all NECR radioactive mine waste registering above USEPA's action level should be removed from the community." (0081-7 [De Pree, Thomas])

**Comment:** • Since 2006, RWPRC and ENDAUM have advocated that uranium mine wastes be removed from their communities to a licensed, offsite disposal facility to repair and restore their lands and health. The uranium mine waste should be removed from Indigenous lands. (0081-8 [De Pree, Thomas])

**Comment:** The Navajo Nation and other impacted Native and non-Native communities should lead the discussion about multi-stakeholder effort to find suitable sites for permanent disposal of uranium mines outside of the Navajo Nation. (0081-9 [De Pree, Thomas])

**Comment:** • The NRC should withdraw the DEIS from further consideration and instead start a process, in cooperation with other Federal, New Mexico, and Navajo Nation agencies and impacted communities, to look for acceptable disposal sites for AUM wastes in the region that are outside the Navajo Nation and not immediately adjacent to the Navajo Nation. (0081-10 [De Pree, Thomas])

**Comment:** I am writing to ask that the NRC not grant this license amendment, but haul it off the site. (0084-1 [Aktkinson, Ellen])

**Comment:** this mine waste MUST be disposed of offsite. (0090-2 [Ohanian, Laura])

**Comment:** consider working with the Navajo Nation EPA Superfund to create a new alternative to remove uranium waste OUT entirely, as safely as possible, and not to pass the burden to other communities. (0091-2 [Thomas, Marina])

**Comment:** The Red Water Pond Road community has been insistent that the radioactive waste be moved out of the area, that the proposed location is not suitable as it is in a floodplain and may lead to a second Churchrock uranium spill. (0095-1 [Richard, Pamela])

**Comment:** Maybe they can haul it off, bury it in somebody else' backyard. (0096-1-3 [Murphy, Alfred])

**Comment:** We want it moved out of there. (0096-4-3 [Lewis, Roger])

**Comment:** It needs to be moved and disposed of away from where people live, and that is not a solution, the current proposal is not a solution that is satisfactory to me or to the people who live in the area. So I am opposed to that and it needs to be taken far away. (0098-1-2 [Luranc Sweeney, Judy])



**Comment:** As a family member who has been exposed, my mother exposed to uranium, we continue to be [inaudible] at the federal government to completely be irresponsible, such that to work with Navajo Nation EPA Superfund to create an alternative to move the uranium waste out entirely, out of Navajo Nation and its communities. (0098-3-2 [Morris, Christina])

**Comment:** I say this with the utmost respect to the report that was given, but officials, you have to understand that there was a legislation that was prompted by us, we, and indicating that there should be no transport of any uranium which is a, which passed and so that's one thing that we got to look at. And then also, EPA is looking into this too as well. And the President Nez and the president's staff, also indicated that, and Church Rock Chapter, also had indicated that there should be no transport of one site to the other, no transport of waste from the site of Church Rock and Pinedale just down to 200 feet away. We want the waste to be taken away, not just being transferred within the boundaries of the chapters that I mentioned. (0101-7-2 [Yazzie, Edmund])

#### **2.10.4 Alternatives - Requests for Additional Alternatives**

**Comment:** this is a slow -- a very, very slow process. We don't want this plan. We don't want this so-called cleanup. We need a better plan, but you need to move faster because our people have been waiting for decades for you to clean up your mess. (0001-4-11 [Morgan, Leona])

**Comment:** Demand that GE, who can afford to do a better cleanup, do a 100 percent cleanup as well as funding the needed healthcare and new homes for the people of Red Water Pond Road Community. (0001-4-19 [Morgan, Leona])

**Comment:** I hope they can clean it up 100 percent. I know it sounds impossible from all that we've gone through so far, but I do want to add my voice 100 percent sentiment with what Leona said. (0001-5-1 [Gromar, John])

**Comment:** I think what you said is accurate. The only thing I would change in that is we would have to have realistic discussions to talk about realistic approaches. I can't put in there imaginative. To me to say something is imaginative is putting a boundary on it existing only in my imagination. And I can't do that. It has to be a realistic discussion with realistic approaches based on realistic situations that currently exist. And that's what we need to do. And I think I may not have answered your question. But it was something I shared with Navajo, with my community members, is, you know, with our leadership identifying that we need to have some real discussions about this. And it may not be on this type of platform that we're having right now. It may be a separate conversation that we need to have with just the community members, with just leadership, with our Tribal leaders, our Tribal practitioners, to really capture realistically for us what are realistic solutions. Thank you. (0001-9-6 [Yazzie, Dariel])

**Comment:** I am not opposed to cleanup. Cleanup is desperately needed for (audio interference) as well as across the whole country. But this -- this type of cleanup that you all are entertaining, I find it -- it's -- incredibly ridiculous that you all are allowing a company to propose such a thing that would eventually result in another Church Rock spill. (0002-3-2 [Morgan, Leona])

**Comment:** And seek out other options for cleanup. Putting the waste somewhere else, in a safer container, in some method of storage that is actually state-of-the-art and with new technology, not just piling it on top of another waste pile and, you know, putting some rocks and plants on top (0002-3-7 [Morgan, Leona])

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**Comment:** Don't drag your feet on creating a new plan, but come up with a plan that incorporates what the community is asking, as well as that is in accordance with Navajo Nation law. (0002-3-9 [Morgan, Leona])

**Comment:** I really think that we are way past the time for the Federal Government to have really the kind of intimate conversations that need to be had with the Navajo people, with their leadership, on really what -- what is the ultimate solution to this? We can't -- I can't think of a worse solution than ending up with 523 disposal sites -- you know, essentially we're turning abandoned mines into disposal sites because each one of them is getting a Superfund treatment. When it -- we don't have that kind of time. It's going to take 100 years and another four generations to deal with this problem. I think that the Federal Government needs to start seriously working with the Navajo Nation to begin to -- to identify and do a detailed analysis of where these mine wastes can be taken. If we start looking at the -- the map of the uranium legacy of the Navajo Nation and surrounding areas, it's in all four directions. It's in the middle of the Navajo Nation. It extends into Utah, to New Mexico, to Arizona. (0002-7-24 [Shuey, Chris])

**Comment:** And we don't have, yet, a policy that says we are going to consolidate these mine wastes, we're going to take them where they can be geotechnically isolated for the -- you know, several millennia that is going to need -- be needed for the radiological hazards to dissipate in the mine waste. We're not doing that. We're doing everything piecemeal. (0002-7-25 [Shuey, Chris])

**Comment:** Second, work with Navajo Nation Superfund and the local Red Water Pond Road community as PARTNERS in a respectful manner to create a REAL CLEANUP PLAN in a timely manner. (0007-2 [Anonymous, Jamie])

**Comment:** Work with the Navajo Nation Superfund and the local Red Water Pond Road community as partners, and in a respectful manner, to create a real cleanup plan in a timely manner. (0011-4 [Kirschling, Karen])

**Comment:** I recently attended the public comment meeting the NRC hosted for the license amendment to dispose of the northeast church rock mine site uranium mine waste and was wondering if you had considered ablation technology as a potential process to perform reclamation on the site. Our patented High-Pressure Slurry Ablation liberation technology has been shown to concentrate 92% of the uranium content into the -400-mesh size fraction of our product representing just 13% of the total mass when testing with uranium hosted sandstone formations. We have a design for a full-scale 40 ton per hour unit capable of mobile reclamation of abandoned uranium sites such as the NECR that concentrates the uranium into a discreet and smaller portion of the overall mass that can then be transported to a uranium disposal/milling facility, leaving most of the cleaned material on-site. As the environmental project manager for the cleanup, please let me know if you would consider adding this to your assessment for reclamation of the NECR and what next steps we should go through to be considered for performing reclamation on this site or to be considered for future sites. (0012-1 [Halverson, Andrew])

**Comment:** Work with the Navajo Nation Superfund and the local Red Water Pond Road community as partners, and in a respectful manner, to create a real cleanup plan in a timely manner. (0013-2 [Kasuya, Tauny])

**Comment:** Work with the Navajo Nation Superfund and the local Red Water Pond Road community as partners, and in a respectful manner, to create a real cleanup plan in a timely manner. (0016-1 [Gassman, David])

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**Comment:** So, my comment is then that I believe the community voices should be heard and another alternative should be sought. (0024-1-2 [Brown, Joan])

**Comment:** I was wondering if you don't know where or what to do about this uranium pile, why don't you just put it back where it came from, back into Mother Earth where it was before and where it belongs? (0024-14-1 [Nez, Bertha])

**Comment:** the two options of removing it completely and leaving it on site, again, we need to pause on this and we need to step back and have more public comment. (0024-19-3 [Boyd, Talia])

**Comment:** We need to think of other alternatives, the so-called science behind this, (0024-19-4 [Boyd, Talia])

**Comment:** I think there's methodology and technology that exist right now that would help us to bring them the cost as a true factor in limiting us from identifying another place to take waste material to. (0024-2-4 [Yazzie, Dariel])

**Comment:** sending it to a far-away place, how about looking at sending it to Blue Water? There are places that it could go that it's not still in the community. (0024-6-3 [Gordon, Susan])

**Comment:** why can't EPA collaborate with other abandoned mine areas, just like Susan mentioned Blue Water or Homestake, I can't remember. The tailings pond that are still looming above the village there and there's one other mine waste, abandoned mine waste, that's still in Red Water Pond the Kerr-McGee within a few hundred feet to the north. Once that is going to be addressed, why can't EPA get together with all these abandoned mines with mine waste still looming on the surface and come up with a better strategy? And set up a repository somewhere off reservation. (0024-7-2 [King, Larry])

**Comment:** I'm sure there's a place somewhere that can accommodate all the mine waste in this region. (0024-7-3 [King, Larry])

**Comment:** Every time we try to bring up a solution or an idea, it gets pushed down and we're not given a chance to say anything, we're not given a chance to speak out and really look at the different things that we could accomplish. There's different colleges that are willing to try to help and they're doing that on their own, yet the Government is the one that just keeps saying no, no, no. (0024-8-3 [Keyanna, Teracita])

**Comment:** We are tired of living with the consequences of the Federal Government's unwillingness to form a coherent policy for uranium mine and mill waste disposal. Rather than continue to dispose of mine waste on an ad hoc basis, we demand that the Federal Government devise a holistic policy of uranium mine and mill remediation that includes one or more repositories for uranium mine and mill waste. The NRC and U.S. EPA should work with tribal, state and especially community stakeholders to develop criteria for siting a repository that would serve as a safe and secure location to emplace uranium waste in perpetuity and designate a site for that purpose. Sites could include geotechnically appropriate Department of Energy legacy sites, public lands, off-reservation Superfund uranium sites or New Mexico state lands. Continuing to cover uranium waste piles in place or near uranium-impacted communities is unacceptable as a matter of policy and of environmental and racial equity. (0030-5 [Jantz, Eric])

**Comment:** rther, the U.S. EPA's current 10-Year Plan (2020) for addressing the Navajo Uranium Legacy does not include any plans or initiatives for finding off-Navajo disposal

locations for uranium mine wastes, as our Community is seemingly expected to continue to bear the burden of uranium development indefinitely. These failures to consider the most fundamental aspects of precautionary planning are both grossly irresponsible and unjust. (0030-9 [Jantz, Eric])

**Comment:** We therefore demand that the NRC and U.S. EPA take the following steps with respect to removal of the NECRM and subsequently Quivira Mine waste: 1. The NRC should withdraw the DEIS from further consideration and instead start a process, in cooperation with impacted communities, Navajo Nation agencies, and other Federal and New Mexico regulatory agencies, and, to look for acceptable disposal sites for AUM and mill wastes in the region that are outside the Navajo Nation and not immediately adjacent to the Navajo Nation; (0030-10 [Jantz, Eric])

**Comment:** we recommend that the Health, Education and Human Services Committee support this position and work with the Office of the President and Vice President to protect the health, lands and water of the Navajo people for generations to come by consolidating mine wastes in a few safe, monitored locations outside of the Navajo Nation. (0031-5 [Commenters, Multiple])

**Comment:** The Engineering Evaluation/Cost Analysis Northeast Church Rock Mine Site, Gallup, New Mexico [US EPA,2009] (the 2009 NECR Mine EE/CA) evaluated five alternatives: NECR Mine EE/CA Alternative 1 a "no action" alternative similar to Draft EIS Alternative 2, and four physical action alternatives (No 2 through 5) with NECR Mine EE/CA Alternative 5 described as "Consolidation of the NECR waste into the existing cells on the UNC mill facility." NECR Mine EE/CA Alternative 5 is essentially the same as with the Draft EIS Alternative 1. It would be helpful to acknowledge that NECR Mine EE/CA Alternative 2 is described as "Excavation and off-site disposal of all wastes," was the only alternative of the five to provide: "Complete removal of all mine waste and tailings off the Navajo Nation and away from the Navajo Nation permanently." (see Table 6.4-1, page 6-11 of the Draft EIS). A statement about addressing community concerns related to NECR Mine EE/CA Alternatives 2 and 5 is in the 2011 US EPA document: "Critical Removal Action at the Northeast Church Rock Mine Site, McKinley County, New Mexico, Pinedale Chapter of the Navajo Nation", (Ref: Responsiveness Summary, C, Part I: Summary of Community Comments and Response to Community Concerns), with the following: "U.S. EPA considers three principal criteria in selecting Superfund removal actions, including effectiveness, cost, and implement ability. All alternatives evaluated in the EE/CA, except "no action," are implementable and effective in protecting human health and the environment in terms of eliminating direct contact with the contaminants. However, the costs of these alternatives varied greatly, since off-site disposal would increase costs by a factor of almost seven. Alternative 2 was estimated to cost \$293,600,000, in comparison to Alternative SA, which was estimated to cost \$44,300,000. Alternatives 3 and 4 left the waste on Tribal Land, which was not acceptable to the Navajo Nation. The U.S. EPA-selected alternative of co-disposal of NECR mine waste at the UNC Mill Site is effective and protective of human health and the environment. This alternative is much more cost-effective than removing all mine waste from the area. On balance, U.S. EPA selected the least expensive alternative that removed waste from Tribal Lands.11[Emphasis Added] While not explicitly stated, the implication is that NECR Mine EE/CA Alternative 2 is: "much less cost effective" and further considerations for waste removal away from the community were not initiated. A more comprehensive Engineering Evaluation/Cost Analysis that includes removing the uranium mine waste from the community would be an appropriate alternative. (0038-1-13 [Baheshone, Nona])

**Comment:** The Nuclear Regulatory Commission (NRC) and the U.S. Environmental Protection Agency (USEPA) should work with tribal, state and especially community stakeholders to

develop criteria for siting a repository that would serve as a safe and secure location to emplace uranium waste in perpetuity and designate a site for that purpose. Sites could include geotechnically appropriate Department of Energy legacy sites, public lands, o.-reservation Superfund uranium sites or New Mexico state lands. (0039-2 [Commenters, Multiple] [Gordon, Susan])

**Comment:** We therefore demand that the NRC and USEPA take the following steps with respect to removal of the NECRM wastes: 1. The NRC should withdraw the Draft Environmental Impact Statement from further consideration and instead start a process, in cooperation with impacted communities, Navajo Nation agencies, and other Federal and New Mexico regulatory agencies, to look for acceptable disposal sites for AUM and mill wastes in the region that are outside the Navajo Nation and not immediately adjacent to the Navajo Nation; (0039-5 [Commenters, Multiple] [Gordon, Susan])

**Comment:** The Red Water Pond Road Community is forced to live with the consequences of the Federal Government's unwillingness to form a coherent policy for uranium mine and mill waste disposal. Rather than continue to dispose of mine waste on an ad hoc basis, we demand that the Federal Government devise a holistic policy of uranium mine and mill remediation that includes one or more repositories for uranium mine and mill waste. (0039-8 [Commenters, Multiple] [Gordon, Susan])

**Comment:** There are no realistic alternatives that were presented. (0042-3 [Morgan, Leona])

**Comment:** NRC must deny the application for a license amendment and seek out a plan for actual cleanup, that will be done to the highest standards, one that would be acceptable in an urban and white community, and includes monitoring of groundwater, air, and soil in perpetuity. (0042-7 [Morgan, Leona])

**Comment:** the Navajo Nation should lead a multi-stakeholder effort to find suitable sites for permanent disposal of uranium mines outside of the Navajo Nation, consolidating mine wastes in a few safe, monitored locations. (0051-2 [Butler, Edward])

**Comment:** Is there not away to neutralize and then naturalize it so that it does not have to be moved and so it can return to mother earth from where it was moved by mankind? (0053-1 [Vicente, Dan])

**Comment:** The NRC must deny NRC/GE's license amendment to permanently dispose of 1 million cubic yards of mine waste on top of its unlined mill tailings. The only viable alternative is No Action. The No Action alternative will allow UNC/GE to move forward with its reclamation plan for the isolation and maintenance of mill tailings in accordance with its current NRC license. This will give UNC/GE and EPA the opportunity to explore other viable alternatives, such as the relocation of UNC/GE mine and mill waste to a suitable geologic repository. (0056-12 [Watchempino, Laura])

**Comment:** 1. NEPA requires a reasonable range of alternatives to be offered in an EIS. Really, with such a large continent here in North America, only one site is offered as an alternative to receive the radioactive mill tailings from the Northeast Churchrock (the United Nuclear Corporation uranium mill site which is on the National Priorities Cleanup List) site, and it is less than a mile away! In fact it is admitted in the documentation that "and two secondary alternatives (Alternatives 1A and 1B), each of which is substantively the same as the proposed action, but with specific modifications to activities." (pg. xix). It is an inadequate range of

alternatives to have all action alternatives be "substantively the same as the proposed action"! (0069-2 [Campbell, Bruce])

**Comment:** 2. I object to NEPA's ad hoc piecemealing approach to one project at a time - rather than dealing with all uranium issues on the Navajo Reservation (with its 525 Abandoned Uranium Mines) in a coherent and holistic manner. Heck, you can't even analyze various aspects of the 3 facilities quite close together northeast of Gallup! (0069-5 [Campbell, Bruce])

**Comment:** Regarding the methods of removal. There a few repositories, so that some waste should go to each of them. This should lower the cost a little. (0070-4 [Hyde, Don])

**Comment:** Consequently, the Community opposes General Electric's ("GE") proposed amendment to the UNC Mill license to allow NECRM waste to be moved there. The Community also demands that the DEIS be withdrawn, and that the Federal government work with the Community, the Navajo Nation and, as appropriate, New Mexico government to generate a comprehensive policy to address uranium contamination not only at Red Water Pond Road, but throughout uranium impacted indigenous communities in New Mexico. (0072-1-4 [Jantz, Eric])

**Comment:** A. The NRC's Discussion of Alternatives in the DEIS Fails to Satisfy NEPA's Requirements. Courts have repeatedly held that alternatives analysis is the heart of the National Environmental Policy Act ("NEPA"). See, e.g., *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 666 (7th Cir. 1997). An agency must consider all reasonable alternatives consistent with the purpose and need stated in the EIS and agency policy objectives. *Muckleshoot Indian Tribe v. USFS*, 177 F.3d 800, 813 (9th Cir. 1999). The broader the purpose, the wider the range of alternatives the agency must consider. *Simmons v. U.S. Army Corps of Engineers* at 666. Consideration of nearly identical alternatives does not satisfy NEPA's requirements. *Id.* at 668. The current set of facts is almost identical to the 1997 case *Simmons v. U.S. Army Corps of Engineers*. In that case, an Illinois city and a municipal water district sought to dam a local creek to create a single source water supply for both the city and the water district. *Id.* at 667. The city applied to the Army Corps of Engineers for the necessary permit under the Clean Water Act. *Id.* The Army Corps produced an Environmental Assessment ("EA"). When the Army Corps drafted the EA, it only considered alternatives that involved a single supply source, ignoring alternatives involving multiple supply sources. *Id.* at 668. The court held that NEPA required that the Army Corps explore all reasonable alternatives to achieve the general goal of the proposed action, i.e., increasing the amount of water available to the city and water district. *Id.* The Army Corps argued its hands were tied, because the municipality proposed the action and was going to construct the proposed dam and therefore the Army Corps was constrained by the applicant's framing of the action. *Id.* The court specifically rejected that excuse, holding that an agency cannot restrict its analysis to those alternative means by which a particular applicant can reach its goals. *Id.*, citing *Van Abbema v. Fornell*, 807 F.2d 633, 638 (7th Cir. 1986). The court further stated that the Army Corps has a duty under NEPA to exercise a degree of skepticism in dealing with self-serving statements from a prime beneficiary of a project. *Id.*, citing *Citizens Against Burlington, Inc. v. Busey* 938 F.2d 190, 209 (D.C. Cir. 1991)(Buckley, J. dissenting). Similarly, here, the DEIS fails entirely to consider a range of or indeed any reasonable alternatives to moving mine waste from the NECRM to the UNC mill. While the DEIS lists four alternatives, in reality, three of those alternatives are effectively identical. The NRC has proposed the following "alternatives": 1) no action (DEIS at 2-1; Alternative 2); 2)transport of NECRM waste to the UNC mill by truck (DEIS at 2-1; Alternative 1); 3) transport of NECRM waste to the UNC mill by conveyor belt (DEIS at 2-1; Alternative 1A); 4) waste consolidation at UNC mill using fill material from two alternative sources (DEIS at 2-1; Alternative 1B). Despite the NRC's obligation to consider reasonable alternatives, the NRC has either rejected

alternatives proposed during the scoping process outright or failed to consider other, obvious, reasonable alternatives. See, e.g., U.S. NRC, Summary Report for the Environmental Impact Statement for the Disposal of Mine Waste at the United Nuclear Corporation Mill Site in McKinley County, New Mexico at B-18 (Dec. 2019) (rejecting culturally appropriate community relocation). For example, the NRC could have - but did not - consider alternatives such as: 1) relocating the Community to a culturally appropriate location; 2) moving the waste to a Department of Energy monitored site; 3) moving the waste to another GE owned uranium property out of Navajo Indian Country; or 4) working with uranium impacted communities, tribal governments, state and federal regulators to identify a site for a central repository for uranium development waste. The NRC's failure to consider these reasonable alternatives is particularly disappointing in light of the project's stated purpose and need. The DEIS states the project's purpose and need is: "to facilitate the expeditious and safe disposal of the NECR mine waste from Navajo Nation land to protect human health and the environment from actual or threatened releases of this material." DEIS at 1-6. Given the purpose and need statement's broad scope, i.e., safe disposal of NECRM waste off Navajo Nation land to protect human health and the environment, the DEIS should have included a far broader range of alternatives than simply the proposed action and the no action alternative. *Simmons v. U.S. Army Corps of Engineers* at 666; see also, 40 C.F.R. § 1502.14(c) (Council on Environmental Quality regulations requiring agencies to consider reasonable alternatives outside their jurisdiction). In sum, the NRC has failed to satisfy NEPA's requirement to consider all reasonable alternatives. Instead, the NRC tailored its alternatives analysis to GE's goal, failing to exercise any skepticism of GE's (and the U.S. EPA's) self-serving proposal. (0072-1-5 [Jantz, Eric])

**Comment:** I have been watching this whole debacle and from the beginning the Navajo asked, please take this dangerous debris away. Why does it still stay? I want to see the Health, Education and Human Services Committee support this position and work with the Office of the President and Vice President to protect the health, lands and water of the Navajo people for generations to come by consolidating mine wastes in a few safe, monitored locations outside of the Navajo Nation. (0077-10 [Richards, Linda])

**Comment:** In addition, this community has made clear requests that 1) the NRC must withdraw the DEIS from further consideration and instead start a process led by the people themselves in cooperation with impacted communities, Navajo Nation agencies and find acceptable AUM disposal sites to the Navajo Nation that are outside its sacred boundaries and not immediately adjacent to the Navajo Nation homelands. (0077-11 [Richards, Linda])

**Comment:** the NRC's scope of analysis is illegally narrow. Aside from the "no action" alternative, all the alternatives in the NRC's DEIS only examine the NRC's and GE's preferred alternative of consolidating NECRM waste with UNC Mill tailings. The NRC should consider a broad range of alternatives to achieve the goal of removing NECRM waste from the Red Water Pond Road community in order to protect community members' health. Reasonable alternatives that could have been - but were not - considered include moving the NECRM waste to a geotechnically appropriate disposal site off the Navajo Nation and not adjacent to the Navajo Nation or relocating members of the Red Water Pond Road community to a culturally appropriate area of their choosing. (0100-3 [Commenters, Multiple] [Gordon, Susan])

## **2.10.5 Alternatives - Comments About White Mesa Uranium Mill Facility**

**Comment:** We also remain very concerned now in reading these documents that the hot waste is going to go to the White Mesa Mill. That was not included in the EPA's prep application. It said it would go to -- that waste would go to licensed facility. And so, suddenly to see it would be

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going to another indigenous community is really unacceptable and we urge you to try to find a different -- not try, but to find a different solution than sending it to White Mesa Mill. Currently, the mill is not even operating. It's just stockpiling materials there and this is really not a solution to take waste from one community and ship it to another community, especially indigenous communities. It is really unacceptable. (0001-7-5 [Gordon, Susan])

**Comment:** and also that it not -- that any waste from that site not go to the White Mesa Mill. (0002-2-2 [Jackson, Nicole])

**Comment:** And on top of that, shipping it to another indigenous community at White Mesa Mill is completely unacceptable. (0002-3-5 [Morgan, Leona])

**Comment:** And finally, I just want to say that this waste should not be shipped to the White Mesa Mill (0002-8-6 [Shaughnessy, Eileen])

**Comment:** 4. A separate, but directly related action, is the possible disposal of North East Church Mine Site "Principal Threat Waste" (PTW) at a uranium mill in Utah, adjacent to a Ute Mt. Ute tribal community. Yet, it does not appear that the NRC or the Environmental Protection Agency ever contacted that community or their tribal government in this regard. The Ute Mt. Ute tribe needs additional time to evaluate this proposal and its implications and environmental impacts. (0003-5 [Fields, Sarah])

**Comment:** A separate, but directly related reason to extend the public comment period, is the possible disposal of Northeast Churchrock Mine Site "Principal Threat Waste" (PTW) at a uranium mill in Utah, adjacent to a Ute Mt. Ute tribal community. It does not appear that the NRC or the Environmental Protection Agency ever contacted this community or consulted with their tribal government in this regard. The Ute Mt. Ute tribe should be afforded additional time to evaluate this proposal and its implications and environmental impacts. (0004-3 [Jantz, Eric])

**Comment:** Further, the proposed action involves and directly impacts several tribal communities in both New Mexico and Utah. These include the Navajo Nation and the Ute Mt. Ute Tribe. (0004-6 [Jantz, Eric])

**Comment:** A separate issue of concern for us is the related action of possible disposal of Northeast Church Rock Mine Site "Principal Threat Waste" (PTW) at a uranium mill in Utah, adjacent to a Ute Mountain Ute tribal community. Yet, it does not appear that the NRC or the Environmental Protection Agency ever contacted that community or their tribal government in this matter. The Ute Mountain Ute tribe needs additional time to evaluate this proposal and its implications and environmental impacts on their community. (0005-4 [Cecchini, Rose Marie])

**Comment:** I was in a meeting yesterday hearing updates on the White Mesa Uranium Mill. One of our guest speakers, Leona Morgan with Haul No, informed us of UNC's proposed clean up plan, which would dump contaminated materials in one central spot in a flood plain near the Navajo nation and transport the rest to White Mesa. I am writing to request you work with the Navajo nation to make a new plan, one that still cleans up the site, but does so in a just, logical way. A way that does not simply move the waste away from one tribe's doorstep and dumps it onto the home of the Ute Mountain Ute tribe. That is not a solution, that is simply shuffling waste around. Work with the community there. (0006-1 [Widner, Brianna])

**Comment:** Last, but not least: DO NOT SHIP WASTE TO WHITE MESA MILL!! (0007-3 [Anonymous, Jamie])



**Comment:** Do not ship waste to White Mesa Mill! This location is just 3 miles from the Ute Mountain Ute Tribe's White Mesa community, and on the doorstep of Bears Ears National Monument. It was originally designed to run for 15 years before being closed and cleaned up, but is still in operation 40 years later, and community members are extremely concerned about impacts on their health, along with contamination of their land, air, and water, and the mill's ongoing desecration of their cultural and sacred sites. (0011-5 [Kirschling, Karen])

**Comment:** Deny the License Amendment at White Mesa Mill. (0013-1 [Kasuya, Tauny])

**Comment:** Now the mill is seeking to import radioactive waste from Japan, Estonia, and elsewhere. Do not ship waste to White Mesa Mill! (0013-3 [Kasuya, Tauny])

**Comment:** Do not ship waste to White Mesa Mill. (0017-1 [Seffens, Patricia])

**Comment:** Thank you for providing us with an opportunity to provide comments on Docket No. NRC-2019-0026. Energy Fuels is interested in helping to clean up the legacy of historic uranium mining in the Four Corners Region, with a particular commitment to supporting the efforts of Navajo and Native American communities. We believe our White Mesa Mill located in southeast Utah offers a unique combination of features that can be leveraged to recycle and manage some (or all) of the material from the Northeast Church Rock ("NECR") mine site in an environmentally responsible and permanent manner... The Mill can responsibly and inexpensively accept, recycle and dispose of cleanup material from the NECR mine site, including Principle Threat Waste ("PCW"), to the extent such material is comprised of uranium ore remnants, low-grade uranium ore, contaminated soil, and/or other mine waste containing recoverable quantities of natural uranium (together, "Ore Material"). Indeed, we are currently performing a similar service for the cleanup of Rio Grande Resources' Mount Taylor uranium mine in New Mexico, where we have received roughly 40,000 tons of Ore Material to date. The Mill has the added advantage of being located on private land, well off of the Navajo Nation, thereby able to honor the Navajo preference that waste is not permanently disposed on their land. We would process Ore Material at the Mill similar to any other uranium ore; recover the contained uranium for sale to the U.S. nuclear industry for the generation of carbon-free nuclear energy; and dispose of the remaining material in our existing, state-of-the-art tailings facilities. Further, we have had preliminary discussions with major U.S. nuclear utilities who have expressed an interest in supporting these cleanups by purchasing the recovered uranium.

Reasons to Consider the White Mesa Mill:

- Currently licensed by the State of Utah to immediately accept and recycle the Ore Material.
- Able to process the Ore Material and recover uranium for sale to domestic utilities for the generation of carbon-free nuclear energy; potentially provide a credit to the project cost based on the value of the uranium recovered.
- Energy Fuels has already sampled the PCW at the NECR mine site, and we have confirmed that we can recover uranium from it.
- Team with extensive experience recovering uranium from a wide variety of sources, including trained managers and staff with expertise in the health, safety, environmental, and regulatory compliance.
- Exceptional track-record of regulatory compliance, safe operations, and environmental stewardship.
- Roughly half of the Mill's workforce is Native American.
- 1.5 million dry tons of existing tailings capacity, plus an additional 3.0 million tons of tailings capacity that we expect to have licensed with the State of Utah later in 2021.
- Current processing capacity to immediately recycle up to 660,000 dry tons of feed per annum.

- All tailings impoundments are built to current, 1,000-year RCRA standards for uranium mill tailings, including a geo-synthetic clay liner ("GCL") and two (2) 60 mil HDPE liners with a 300 mil HDPE geonet leak detection layer between the HDPE liners.
- Currently receiving Ore Material from the cleanup of Rio Grande Resources' Mount Taylor uranium mine for recycling; ~40,000 tons (~1,600 truckloads) received over the past 18 months.
- Excellent track-record of recycling material from under other U.S. federal government agency clean-up programs, such as the Formerly Utilized Sites Remedial Action Program ("FUSRAP") administered by the U.S. Army Corps of Engineers ("USACE").
- Because the tailings from processing the Ore Material will be *Ilc.*(2) byproduct material under the Atomic Energy Act, following its reclamation in the future, title to the White Mesa Mill and its tailings impoundments will be transferred to the U.S. Department of Energy ("DOE") following site closure for long term care and maintenance.
- Therefore, any risk of long-term liabilities associated with transferring the Ore Material to the White Mesa Mill for processing is virtually eliminated for companies like United Nuclear Corporation (General Electric).
- Approximately 195 road miles from the NECR mine site to the White Mesa Mill. In short, the White Mesa Mill currently has existing tailings and processing capacity, and Energy Fuels is prepared to discuss a mutually acceptable arrangement (with additional information on quantities, timing, and material characteristics) for what we believe could be a compelling and competitive alternate solution for much of the NECR mine material, particularly the higher-grade Principle Threat Waste material. (0037-1 [Moore, Curtis])

## **2.10.6 Alternatives - Potential Impacts on Navajo Chapters**

**Comment:** Description Affected Environment, p.2-9: In reviewing the report, four Navajo Nation Chapters are affected by past and present activities of the mine waste; the focus was mainly on the Pinedale and Red Pond Communities. How do the current alternatives affect the other three Navajo Nation Chapters regarding land, natural and cultural resources? (0094-2-14 [King, Susan])

## **2.11 Comments Concerning Land Use**

### **2.11.1 Land Use - Comments About Figures**

**Comment:** No: 5, Figure: 3.2-1, Comments: The buffer circle is not center to the project area. SW part of circle wider than the NE part of the buffer circle. Only shows a few resident in the upper NE pipeline residents, when there are more (0083-23-7 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 6, Figure: 3.2-2, Comments: Land ownership is confusing. In the legend, Navajo Nation (On Reservation) and Navajo Nation Trust are really the same. The map is hard to read. The colors are hard to read. The transparency is too light (0083-23-8 [Navajo Nation Environmental Protection Agency])

### **2.11.2 Land Use - General**

**Comment:** So there is a lot of anxiety out there. There is a lot of hurt and healing that still has to happen. And we from the federal government, we represent -- being experts as well as Tribal subject matter experts to try to figure out and provide a very clear path for our people to understand how these different moving parts are and that the different initiatives that are going on at least within the Navajo Agency and across Big Navajo. Part of that is, I think, also understanding the land status we're issuing out of the Agency. As I think most people

understand, it's a checkerboarded type of land status. Here at BIA we have to be very clear and aware of how to approach different landowners. Navajo Nation gained the Tribal Trust landowner and there are several allotments within the Nation Navajo Agency, public domain, BLM, other types of land status are issued by Navajo Agency. (0001-11-2 [Tsosie, Lester])

**Comment:** Comment Number: 12, Section: 3, Document Page: pg.3-4, Paragraph: 1 IF 55% is NN Land, 20% NN Trust why can't NN have a final say if the waste can go there only 14%private, 12% BLM (0083-11-10 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 27, Section: General, Document Page: N/A, Paragraph: N/A Navajo Nation chapters have a process of withdrawing land for projects. Were the project sites on the Navajo Nation withdrawn for the purpose of this project. The BIA has authority but Chapters have a process in place to withdraw land for certain purposed. Was this evaluated as part of an institutional control? (0083-6-10 [Navajo Nation Environmental Protection Agency])

**Comment:** Ashley you mentioned private land, who's the person that owns it? (0101-5-1 [Navajo Nation Pinedale Chapter Member/Anonymous])

### **2.11.3 Land Use - General**

**Comment:** Comment Number: 17, Section: 2, Document Page: pg. 2-11, Paragraph: 3 What are the statistics on that type of fencing or science that supports its effective? (0083-10-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 35, Section: 3, Document Page: ", Paragraph: 5 Prior to 60 acres, what now is enclosed? How many acres? (0083-11-11 [Navajo Nation Environmental Protection Agency])

**Comment:** Sec 2.2, p.2-1, lines 33-35: Alternative 1B Comments: Will the referenced borrow areas obtain mineral permits for use? (0094-2-13 [King, Susan])

### **2.11.4 Land Use - Impact Determinations and Land Availability**

**Comment:** 116. The potential impact to ranchers should be reconsidered as it will be "MODERATE" to "LARGE" especially when taking into account that their livestock graze in areas where there will be elevated soil and water contamination. This Draft EIS is deficient in its study and consideration of this community. How does UNC propose to remedy that? (0083-39-2 [Navajo Nation Environmental Protection Agency])

**Comment:** 130. Some would argue that there would be a "LARGE" impact to land use if the No-Action Alternative 2 was selected. The Navajo people and communities have been informing federal and tribal agencies about how in action has destabilized their lives and the harmony in the environment. There has been a great deal of unrest for the public. Why is this largely ignored in the Draft EIS? (0083-40-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 28, Section: N/A, Document Page: Table ES-1, Paragraph: Land Use, No-Action Some would argue that there would be a "LARGE" impact to land use if the No-Action Alternative 2 was selected. The Navajo people and communities have been informing federal and tribal agencies about how in action has destabilized their lives and the harmony in the environment. There has been a great deal of unrest for the public. (0083-6-11 [Navajo Nation Environmental Protection Agency])

**Comment:** See, I was a permittee holder in there, and my grandparents were permittee holders in there for so long, but I think back to '79, I think. That's when they were evacuated out of there. You know, equipment just came in; they were told to move. But I think a lot of this is probably part of the Navajo Nation, the Chapter House. I don't know who okayed all these stuff, but they never knew anything about it until they were getting evacuated and relocated just north, southeast of the mill there. And I think there was some problems involved -- good water, roads, whatever problems was involved. That never happened. But the two deceased and four or five settlers that were there, they're deceased. It went into my stepfather's hand, my mother's hand. That's how I'm a permittee holder in there. All of a sudden, they just started moving stuff around, and that's when I questioned, "What's going on here?" But I don't know, but I was a permittee holder in one, two, three, 36, 37, and right now, I think I'm just in the corner of one; I don't know. But I don't know who's going on. So, I'd like to know what's going on. So, I don't know what, whether my permittee is going to hold anymore; nothing at all. Where does that leave me? Where does my sheep and cattle, where do they go? You know, that's part of my big concern, too. (0096-10-3 [Thomas, Tony])

**Comment:** A person asked when livestock could be raised on the mill site land again. (0097-11 [Community Member, Red Water Pond Road])

**Comment:** Document Page: pg. 5-41, Section: 5.10., Comment Line: line 40, Paragraph: 3  
Comment: line states: grazing would be restricted at the UNC. -comment- How will the grazing holders of this area be compensated for relinquishing their grazing land for the UNC to perform this mill over the years and should the NRC amend the license how will those grazing holders be accommodated, a different grazing area perhaps. NNEPA has heard the testimony of a grazing holder that has had that land relinquished for years and is in question where the family can graze? (0099-3-6 [Navajo Nation Environmental Protection Agency Superfund Program])

### **2.11.5 Land Use - Unrestricted Release of Mine Site**

**Comment:** Document Page: pg. 5-6, Section: 5.1.1.1.1, Comment Line: line 10, Paragraph: 1  
Comment: line states: land would be released fro unrestricted use at NECR. -comment- What is the time frame, that the NECR land will be released for unrestricted use?? Please give details for time of release. (0099-2-12 [Navajo Nation Environmental Protection Agency Superfund Program])

## **2.12 Comments Concerning Transportation**

### **2.12.1 Transportation - Impacts of Temporary Road Closures**

**Comment:** It's really heartbreaking that in this public comment period that another ten-year timeline has come up, I can feel the pain for the community of Red Water Pond. There also is another community, which is the Pipeline Canyon people that share the same road with the Red Water community to get back to their home. Leaving their home in the morning and returning to that home in the evening, the effect that it will have on the additional community on traffic, the delays of getting to work, telling your boss you had to wait for a truck hauling the waste across the road and being late or probably even being reprimanded for being late, or losing your job. (0024-9-1 [Craig, Vivian])

**Comment:** Yes, it's transferred by truck. You know, that road is all for children. Buses do run through there and people do work, just like you guys. You guys sitting in the office listening to us from far away, you guys need to come down here to scope it out. You know, transferring by trucks, that's too many of them. You know, you've got the buses going and everybody's going to

work and after work, school. What? That's seven minutes a day the truck won't be running? You know, both locations, it needs to be moved somewhere somehow. I don't know. (0096-17-1 [Thomas, Tony])

### **2.12.2 Transportation - Traffic Signs**

**Comment:** No: 8, Figure: 3.3-1, Comments: Who is the Proposed Traffic Signs for, if for the public driving around for curiosity or Pipeline Road residents? (0083-23-11 [Navajo Nation Environmental Protection Agency])

### **2.12.3 Transportation - Alternatives Impact Analysis**

**Comment:** Section 4.3.2 Other Alternatives Considered (Modifications to the proposed Alternative) Transfer Mine waste to the Proposed Disposal Site Using a Conveyor (Alternative 1A), page 4-9, lines 26-44 and page 4-10, lines 1-3: In this section NRC concludes that the conveyor alternative would not cause the MODERATE traffic flow impacts during transfer operations that would be caused by the proposed traffic modifications on NM 566 described in EIS Section 4.3.1.2 for Alternative 1. This conclusion does not account for the traffic impacts attendant upon the construction and dismantling of the conveyor itself, nor the traffic impacts that would remain under the conveyor alternative. As presented in Attachment 1 to this letter, the construction, removal, and disposal of the conveyor system would require the transport of additional equipment over NM 556 to the work area and require approximately 105 additional truck trips than Alternative 1 (Stantec, 2021). In addition, as noted in Chapter 7 of the Supplemental Environmental Report (Intera, 2018), one of the drawbacks to the use of a conveyor includes size limits for moving debris on the conveyor, such that a truck fleet would still be required to move the larger pieces of mine debris. Furthermore, this alternative does not include construction of a haul road and would increase truck use of the public road by a substantial margin. Section 3.2.2 of the Application for Amendment of USNRC Source Material License SUA-1475, Volume 1 (Stantec, 2018) estimates the transfer of approximately 48,400 cubic yards of mine debris to the mill site. Under Alternative 1A, the mine debris would be transferred to the mill via trucking on NM 566 since Alternative 1A does not include construction of a haul road. As presented in Attachment 1, this would entail approximately 2,017 truck trips and 3,812 miles of travel on NM566 to and from the mill site. Under Alternative 1, which includes construction of a haul road, trucks transporting waste to the mill site would only cross NM566 at one location, which would only entail approximately 715 miles of travel on the public road (Attachment 1). Alternative 1 decreases the truck mileage associated with transporting mine waste on the public road by 81% as compared to Alternative 1A. This information does not alter the overall impact conclusion, but UNC proposes revising the statement on lines 38-39 to acknowledge that "the conveyor alternative would cause MODERATE traffic flow impacts," deleting the following text at lines 40-41: "This change would result in a significant reduction in transportation impacts when using a conveyor; however," and adding the following text after line 37 for the sake of completeness and accuracy of the discussion: "Under this alternative, a waste haul road would not be constructed and approximately 48,400 cubic yards of mine debris would be transferred by truck on NM 566 to the repository. This would entail approximately 2,017 truck trips and 3,812 miles of travel on NM566. Alternative 1 would only require an approximate total of 715 miles of truck transport on public roads since this alternative contemplates construction of a non-public haul road that minimizes public road use. Trucks transporting material to the mill site under this alternative would only cross NM566 at one location." (0041-5 [Hauer, Lance])

**Comment:** The conceptual-level approach described the conveyor option but did not include all details associated with construction of the conveyor and transfer of mine spoils and mine debris

from the Mine Site to the Mill Site and the transportation impacts. This memo provides Stantec's assessment of those impacts. Based on size, and proposed location, of the conveyor Stantec estimates that it would require about 44 truckloads to deliver conveyor components, plus 17 truckloads of redi-mix concrete materials for the foundations, and 44 truckloads to remove the conveyor system following deconstruction. This would result in 105 additional truck trips to, and from, the site for the conveyor compared to DEIS Alternative 1. Tables 1 and 2 summarize calculations of these truck trips. (0041-13 [Hauer, Lance])

**Comment:** In addition to the trucking required to construct the conveyor, use of the conveyor will not allow for transport of mine debris from the Mine Site on the conveyor. This material would still be moved by truck for disposal. The LAR (Stantec, 2018) includes a Mine Site debris estimate of 25,600 CY of buried debris and 22,800 CY of surface debris for a total debris volume of 48,400 CY. Stantec estimates that 24 loose cubic yards (LCY) of debris could be placed in each truck and therefore, based on the debris volume, 2,017 truckloads would be required to transport debris from the Mine Site to the Mill Site. At an estimated roundtrip distance on Highway 566 of 1.89 miles, transfer of mine debris would require trucks traveling about 3,812 total miles on the public highway, from the Mine Site to the turnoff to the Mill Site. By comparison, DEIS Alternative 1 would use the proposed haul road and single Highway 566 crossing, which is about 50 feet wide across the right-of-way, equating to 718 truck miles of hauling all mine waste materials, soil and debris, on the public road. Table 3 summarizes the calculations. (0041-14 [Hauer, Lance])

#### **2.12.4 Transportation - Right of Way for Crossing NM 566**

**Comment:** Sec2.2, Alternatives Considered for Detailed Analysis, p. 2-1 lines 30-32: Would this action require a Right-of-Way? It would have to request permission to cross NM 566. (0094-2-12 [King, Susan])

#### **2.12.5 Transportation - Safety Measures**

**Comment:** I've got a question on the transportation part of this hauling the waste. It sounds like you guys already got it figure out. How many trucks; how many trips per day? It kind of sounds like the coal mine; we need to get this stuff moved. Safety first, is that what priority is all about? Safety first? And the dump trucks that's going to be hauling the waste, is the bed portion of it going to be covered? Are the trucks going to be running back and forth, dumping it on the road, running over the waste, turning to silica dust? The dust that you can't see will be blowing toward the east, where we're living. And then, what size trucks are you guys going to be running? It sounds like you guys want to go and hurry up and get it done, but keep us in mind. (0096-18-1 [Murphy, Alfred])

#### **2.12.6 Transportation - Schedule**

**Comment:** Your trucks, are they going to be running 40 hours a week? Are they going to be rotating on shifts? (0096-22-1 [Murphy, Alfred])

#### **2.12.7 Transportation - Traffic**

**Comment:** A person asked about the volume of traffic to the site. (0097-2 [Community Member, Red Water Pond Road])

## **2.13 Comments Concerning Geology and Soils Resources**

### **2.13.1 Geology and Soils - Erosion of the Arroyo**

**Comment:** Second, the NRC fails to look at erosional effects from flooding in the Pipeline Arroyo. While the DEIS cursorily evaluates "a range of flood events," it fails to review the erosional effects of flash floods, particularly in the Pipeline Arroyo. The DEIS notes that the mitigation measures implemented within the Pipeline Arroyo could be overwhelmed in the event of a heavy storm, but fails to contain a clear and comprehensive summary of the erosional effects of flash floods in the Pipeline Arroyo. DEIS at 4-21. The statement that the Arroyo stabilization was designed to account for a range of flood events, including estimated peak rainfall intensity for several flood event durations and frequencies and a reference to the stabilization plans in the SER is insufficient to allow for public evaluation of the impacts of flash-flood events from the proposed project. DEIS at 2-15. (0072-1-14 [Jantz, Eric])

**Comment:** Comment Number: 8, Section: 2, Document Page: Pg.2-8, Paragraph: 2 Pipeline arroyo soils/ embankments cannot withstand erosion and will naturally meander to the proposed disposal site. The arroyo will not meander to the roadway it will go to the mine disposal. Even driving by the roadway there you can see the wind erosion that is within the Pipeline arroyo and its eroding now. (0083-10-2 [Navajo Nation Environmental Protection Agency])

**Comment:** 3. The scope of altering the Pipeline Arroyo is mentioned several times throughout the EIS but how will the Pipeline Arroyo be stabilized? (0083-30-5 [Navajo Nation Environmental Protection Agency])

**Comment:** 83. Pipeline arroyo soils/embankments cannot withstand erosion and will naturally meander to the proposed disposal site. The arroyo will not meander to the roadway it will go to the mine disposal. Even driving by the roadway there you can see the wind erosion that is within the Pipeline arroyo and it's eroding now. A full geological study on erosion tendency must be conducted for accurate plans to be made. How can the UNC propose a plan without properly identifying this information? (0083-35-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Document Page: Pg. 4-23, Section: 4, Comment Line: line 15-18, Paragraph: 2  
Comment: NRC is aware of the concern with the lateral migration of Pipeline Arroyo towards the existing NRC-licensed tailings impoundment, this section indicates with a no-action alternative the NRC would still address as part of the NRC's ongoing regulatory oversight, mitigation the potential for the tailing to come into contact with flows in Pipeline Arroyo. (0099-1-2 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: Pg. 4-23, Section: 4, Comment Line: line 15-18, Paragraph: 2  
Comment: NRC is aware of the concern with the lateral migration of Pipeline Arroyo towards the existing NRC-licensed tailings impoundment, this section indicates with a no-action alternative the NRC would still address as part of the NRC's ongoing regulatory oversight, mitigation the potential for the tailing to come into contact with flows in Pipeline Arroyo. (0099-4-3 [Navajo Nation Environmental Protection Agency Superfund Program])

### **2.13.2 Geology and Soils - Soil Characterization and Use**

**Comment:** So one thing you've talked about is all that topsoil waste and people wonder where it came from. It came from underground and it's been living in Mother Earth untouched so there's a lot of contamination in that land already. That's why the (inaudible) Canyon is a reminder that's there and the people that live there didn't know that. So, I know there's miles and

miles of tunnels underneath, but I was wondering where all of that waste came from. It's underneath where they live. I think that whole place is contaminated, it was already contaminated before even the mine company started going in and taking it wherever they took up. (0024-13-1 [Lisbon, Dolores])

**Comment:** what was the condition of the Red Water Pond Road community soil before mining? What do we know about that? (0024-15-1 [Williams, Laurie])

**Comment:** There were cells that were holding the mine waste up there, and the soil here in the area may have gone through testing and such but it's questionable who actually did the science on that and has actually lived in the area. (0024-16-2 [Martinez-Silversmith, Lee Anna])

**Comment:** Comment Number: 17-18, Section: 4, Document Page: ", Paragraph: 3 Uranium mine lands and topsoil in the N and S Borrow Areas have poor reclamation rating. - what does that mean? Poor reclamation rating? If it's a poor rating why use it for top soil cover? Where is the soil analysis of this N and S borrow areas to be used for the remediation efforts. (0083-13-15 [Navajo Nation Environmental Protection Agency])

**Comment:** A after the table in the comment document for reference] 3. The selection above clearly states that a total of 346,000 m<sup>3</sup> of soil material will be required to satisfy the proposed plan however, only 286,000 m<sup>3</sup> of soil material has been identified to fulfill this purpose- where is the remainder going to come from? (0083-28-2 [Navajo Nation Environmental Protection Agency])

**Comment:** 39. Can the proposed construction soil meet the RCRA Subtitle D criteria? (0083-31-8 [Navajo Nation Environmental Protection Agency])

**Comment:** I. Where Is The Clear Plan For Amending The Soil To Allow Revegetation? While a small percent of soils at the proposed project area are not accounted for in the ER, according to NRCS data, the topsoil source ratings for soils at the proposed project area are approximately 6 percent good, 2 percent fair, and 13 percent poor (INTERA, 2018). Approximately 4 percent of the soils have no topsoil rating because they are composed of bedrock, and the remaining percentages of the proposed project area are mapped as uranium mined lands with no soils information. The soils at the proposed project area with reclamation material ratings shown in EIS Figure 3.4-6 are approximately 0.5 percent fair and 28.5 percent poor, while the remaining 71 percent of soils at the UNC Mill Site and NECR Mine Site are mapped as uranium-mined lands (EIS section 3.4.3, page 3-17). 75. The EIS makes it clear that there is very little topsoil available that is suitable for revegetation; is there going to be enough suitable topsoil for the proposed project? 76. If not, where will the supplemental soil be harvested from and will care be taken to make sure it is suitable to support native vegetation? (0083-34-3 [Navajo Nation Environmental Protection Agency])

**Comment:** 77. As stated in the EIS, the poor soil rating is indicating that to establish vegetation would be costly/difficult; if these efforts fail, how with that be addressed? (0083-34-4 [Navajo Nation Environmental Protection Agency])

**Comment:** 78. Uranium mine lands and topsoil in the N and S Borrow Areas have poor reclamation ratings. What does that mean? If it is a poor rating, why use it for topsoil cover? Where is the soil analysis of this N and S borrow areas to be used for the remediation efforts? (0083-34-5 [Navajo Nation Environmental Protection Agency])



### **2.13.3 Geology and Soils - General**

**Comment:** Comment Number: 6, Section: 4, Document Page: pg. 4-15, Paragraph: 1 NRC proposed impacts to be SMALL-it should be MODERATE, this is going to continuously changed and the impact will not be SMALL it will be MODERATE; it will have continuous upkeep and monitoring (0083-14-4 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 15, Figure: 3.4-7, Comments: This map shown at the Colorado Plateau level, what about showing it at the Navajo Nation zoomed out level. Seeing the data in central Utah and NW Arizona isn't that pertaining to the project site area (0083-24-1 [Navajo Nation Environmental Protection Agency])

### **2.13.4 Geology and Soils - Seismicity**

**Comment:** F. Is There A Seismic Evaluation More Current Than 1997?The NRC staff compared results of the licensee's site -specific seismic hazard analyses with previous seismic hazard analyses conducted at the UNC Mill Site by Lawrence Livermore National Laboratory (LLNL) (NRC, 1997 ) (EIS section 3.4.4, 3-17). The licensee speculated that the PGA reported by LLNL may be for soft rock {the time-averaged shear wave velocity to 30 m {98 ft} depth of 760 m/s [2,493 ft/s]} and not the existing subsurface alluvium used in its site-specific hazard analysis (Stantec, 2019a,f), and the values are conservative compared to the 30 LLNL value {EIS section 3.4.4, 3-19}. 57. Is the NRC using studies from 1997 as a basis for an EIS seismic risk evaluation? 58. Why did the licensee "speculate" any part of this evaluation? 59. Why wouldn't a seismic expert be required to do a current evaluation of the potential earthquake activity near the project site? 60. Did the 1997 study consider climate change and its effects on water tables and fault lines? If so, then please provide this documentation for review. (0083-32-11 [Navajo Nation Environmental Protection Agency])

## **2.14 Comments Concerning Water Resources**

### **2.14.1 Water Resources - Figures**

**Comment:** 6. First, I want to say that the maps I have seen in the DEIS do not seem to show all of the drainages that feed the Pipeline Arroyo from the south, southwest, west and north in my community. I'm referring to Fig. 3.5-2 of the DEIS. The blue stream shown on the map is what I call the Pipeline Arroyo, but it's also called the "Unnamed Arroyo" in some reports. I observe that three different parts of this drainage are not shown on the map. They are (1) runoff from the hills located south of my home and west of the NECRM site that flows into the "mine water arroyo" next to the Bus Stop on Red Water Pond Road; (2) runoff from the steep canyon west of our community; and (3) runoff from the Standing Black Tree Mesa area that flows southward into the Pipeline Arroyo from the north. 7. I have personally observed runoff in each of these tributaries to the Pipeline Arroyo. In March 2020, I took pictures of water in the arroyo next to my house. The arroyo at this point was at least 15 feet deep, and it was full of water, nearly overtopping the bank. (0072-2-11 [Jantz, Eric])

**Comment:** Comment Number: Fig.3.5-2, Section: 3, Document Page: pg. 3-24, Paragraph: N/A Where is the demonstration or map of the 50year or 100 year flood plain??? (0083-11-12 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 21-24, Section: 3, Document Page: ", Paragraph: 3 written context needs to be included in figure 3.5-2 (0083-12-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 27, Section: Figure 4.5-1, Document Page: N/A, Paragraph: N/A The figure should show residences within a mile radius from the delineation of the flood plain. (0083-21-7 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 2, Figure: 2.2-1, Comments: In the legend, no green label for the Southwest Alluvium Remedial Action Target Area, Zone 1 Remedial Action Target Area Zone 3 Remedial Action Target Area. These green areas were once called Plume, why the name change? Map layout, map not centered (0083-23-5 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 17, Figure: 3.5-1, Comments: The water depth maintains to only .5ft? Where is the data for the Mill Site Well and United Nuclear Well? (0083-24-2 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 18, Figure: 3.5-2, Comments: The map doesn't include a floodplain for the Pipeline Arroyo- other than FEMA Zone A Floodplain. In 1979 the Pipeline Arroyo was flooded from the break. Cross hatching is too busy (0083-24-3 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 19, Figure: 3.5-3, Comments: No Well data are presented in any of the maps. Numbers on Groundwater elevation to small to read and the monitoring wells too So what zone is this map, due to the other two maps are identified but not this one. (0083-24-4 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 20, Figure: 3.5-4, Comments: Label numbers on contours too small to read. Pumping Wells are same blue color to see easily. This map is Zone 3 but no Zone 2? There are no proposed sentinel wells in any of these maps. According to this map, it's hard to identify the lower elevation areas than the higher elevation areas. The Township and Section boundary areas aren't really noticeably, maybe darkened the numbers (0083-24-5 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 21, Figure: 3.5-5, Comments: Zone 3 and Zone 1 overlap, is this correct? Where is Zone 2? (0083-24-6 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 34, Figure: 4.5-1, Comments: Another Floodplain map, still not show a 50 year 100 year 500 year floodplain map. Cross hatching too busy (0083-25-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Missing. Maps that should be included for this project: A map showing some results of the well data in the project zone. Looks like USEPA has been collecting data on the wells (0083-25-10 [Navajo Nation Environmental Protection Agency])

## **2.14.2 Water Resources - Water Rights and Use**

**Comment:** (The application of "light water sprays is not sufficient for the control of dust - which has the potential to contain numerous and considerable hazards given the higher criteria of radiological material permissible on the site.)...this lack of a plan suggests a necessary application of water would cause runoff and the UNC does not want to deal with the requirement of a study being conducted on water table contamination. The duration, projected quantity, source and impact to the source are not identified in the DEIS (0083-1-8 [Navajo Nation Environmental Protection Agency])

*Public Comments on the Draft Environmental Impact Statement for the Disposal of Mine Waste  
at the United Nuclear Corporation Mill Site in McKinley County, New Mexico*

**Comment:** Comment Number: 15, Section: 3, Document Page: pg. 3-25, Paragraph: 2 not only the NM State Permit? What about Navajo DWR? (0083-11-13 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 41, Section: 4, Document Page: ", Paragraph: 4 (i) application of water or other dust suppressant - what would be the other alternative dust suppressant? Where would they transport the water from and has DWR approved? (0083-14-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 45, Section: 4, Document Page: pg. 4-23, Paragraph: 4 UNC is currently diverting groundwater from industrial uses from a well G12, UNC plans to use water diverted from this well for decon, sanitary services and dust control purposes- why use well water? Why not utilize non potable water from an outsource? (0083-15-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 32, Section: 4, Document Page: pg.4-24, Paragraph: 4 only for the duration of the 3.5 year construction phase - how certain are they there is enough water for 3.5 years for the construction, decon, safe and sanitary (SS) and what have you. (0083-15-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 19, Section: All Alternatives, Document Page: N/A, Paragraph: N/A Has NRC evaluated the paving of the roads? Paving of the road to significantly reduce the amount of water used during the 4 years of work. This region is in a drought in both potable and non-potable waters. Paving roads will also reduce the amount of dust produced by the trucks during the project. The paving of the roads should be evaluated. (0083-21-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 26, Section: 4.5, Document Page: N/A, Paragraph: N/A Surface Water: The Dine' people use surface water to irrigate farms, agricultural farms, to grow such foods as corn. The BIA may have records of the type of vegetables that could be farmed in Eastern Navajo Agency, farming is a large part of Dine lifeways across the Navajo Nation. In many AUM impacted communities, people are very concerned about the AUM contaminations and will not be farmed. Surface water is also used to water livestock and other wildlife use surface water to drink. Surface water can be used for ceremonial purposes, for example, surface water could be used to bless a home or sacred objects, or be consumed as part of a ceremony. (0083-21-8 [Navajo Nation Environmental Protection Agency])

**Comment:** 13. Considering the high capacity well activity of the UNC mill well and its location adjacent to the Navajo Nation, what is the extent of water rights to both UNC and the Navajo Nation if the area of influence during active consumptive use crosses over jurisdictional boundaries? (DOJ question) (0083-29-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 6, Section: Surface Water Resource, Document Page: 109, Paragraph: 3 Provide any new updates on the Community Water System's waterline projects that serve the affected community. (0083-3-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 8, Section: Surface Water Use, Document Page: 112, Paragraph: 3 If there any proposed use of wells located on Navajo Nation Trust lands, jurisdiction requires that UNC acquire a valid water use permit through the Navajo Nation Water Code department. (0083-3-6 [Navajo Nation Environmental Protection Agency])

**Comment:** 51. What impacts are there from the use of the UNC mill well? What potential impacts to the WWC aquifer are foreseen using the UNC mill well for proposed construction activities? There were not any projected water use quantities discussed in the Draft EIS. Can this be quantified to understand any impacts or changes in the water quality over time as it is being pumped? At the end of construction or use of the UNC mill well what are the future use plans for this well source? Can this well be used as a further monitoring site? (0083-32-5 [Navajo Nation Environmental Protection Agency])

**Comment:** 52. The consumptive use of the UNC mill well is projected to be 150 gpm. A 20-mile radius for cumulative impacts was used. However, based on the "gpm and the local geology and basin influences," how does the area of influence change using a more sophisticated delineation method? Will a more sophisticated delineation method to acquire an area of influence change the cumulative impacts to the receptors in that delineated area? (0083-32-6 [Navajo Nation Environmental Protection Agency])

**Comment:** 54. Are there new updates on the Community Water System's waterline projects that serve the affected community? (0083-32-8 [Navajo Nation Environmental Protection Agency])

**Comment:** 69. Why has an evaluation of paving the roads to reduce the amount of water used during the course of 4 years, and to reduce the amount of dust kicked up by truck as the project is carried out, not been provided as a supplement to the Draft EIS? (0083-33-4 [Navajo Nation Environmental Protection Agency])

**Comment:** 126. Are there any proposed use of wells located on Navajo Nation Trust lands? If so, why are they not included in the Draft EIS? If not, why not? Jurisdiction requires that UNC acquire a valid water use permit through the Navajo Nation Water Code department. (0083-40-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 135. UNC is currently diverting groundwater for industrial uses from a well G12, UNC plans to use water diverted from this well for decontamination, sanitary services, and dust control purposes. Why use well water? Why not utilize non potable water from an outsource? (0083-40-10 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 19, Section: Transferring NECR Mine, Document Page: 217, Paragraph: 4 Because of the high capacity well activity of the UNC mill well and its location adjacent to the Navajo Nation, what is the extent of water rights to both UNC and the Navajo Nation if the area of influence during active consumptive use crosses over jurisdictional boundaries? (0083-5-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 20, Section: Water Resources, Document Page: 304, Paragraph: 4 Response is similar to comment #16 and what water resources might be available to the Navajo Nation in regards to providing a safe and reliable source, namely the WWC aquifer in the local area. There is a lack of community water system wells in the vicinity of Church Rock where it is much needed for schools, residential, and business/industrial uses. Finding out through a water investigation to include a safe and reliable source of drinking/domestic water is a priority, as well as, assuring the water users that select locations provide a protective area of influence or source water protection area for using the WWC aquifer. Providing such as, where hydrologic divides or geochemically stable areas (non-oxidized or not potentially susceptible to being oxidized) are that may separate impacted water from safe domestic consumptive use water. (0083-6-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 21, Section: Water Resources, Document Page: 304, Paragraph: 5 What impacts are there from the use of the UNC mill well? What potential impacts to the WWC aquifer are foreseen by the use of the UNC mill well for proposed construction activities? (0083-6-2 [Navajo Nation Environmental Protection Agency])

**Comment:** There was no projected water use quantities discussed, can this be quantified to understand any impacts or changes in the water quality over time as it is being pumped. (0083-6-3 [Navajo Nation Environmental Protection Agency])

**Comment:** At the end of construction or use of the UNC mill well, what are the future use plans for this well source? Can this well be used as a further monitoring site? (0083-6-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 22, Section: Groundwater, Document Page: 309, Paragraph: 2 Similar response as comment #22. As well as, the consumptive use of the UNC mill well is projected to be 150 gpm. A 20-mile circular radius for cumulative impacts was used. However, based on the "gpm and the local geology and basin influences," how does the area of influence change using a more sophisticated delineation method? Will a more sophisticated delineation method to acquire an area of influence change the cumulative impacts to the receptors in that delineated area? (0083-6-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 24, Section: Table for Environmental, Document Page: 380, Paragraph: row 1 Quantify the consumptive use of the groundwater from the UNC mill well over the time of clean up activities. (0083-6-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 48, Section: 4.5.1.1, Document Page: N/A, Paragraph: N/A Surface Water Features: The Dine people use the surface water to irrigate farms to grow corn, and other agricultural products. In Eastern Navajo agency, the BIA may have records of the type of vegetables that could be farmed in Eastern Navajo. Farming is a large part of Dine lifeways. In many AUM impacted communities, people are frightful of the contaminations and have not farmed for the past several years. Many community members have said in public meetings that once the contamination is contained and once it is safe again, that they would like to begin farming and gardening. Surface water is used to water livestock. Wildlife use surface water to drink. More so in the past, the Dine people would collected surface water for domestic use. Surface water can be used for ceremonial purposes as well. The water for example, could be used to bless a home or sacred objects, or be consumed as part of a ceremony. (0083-8-8 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 59, Section: 6.5, Document Page: N/A, Paragraph: N/A One major concern is the stress of the underlying aquifer when water is needed at this project site as well as other mine site remediation activities happening all within a 15 mile radius within the next several years. (0083-9-10 [Navajo Nation Environmental Protection Agency])

**Comment:** There is even concern from the public of not having enough water after these projects use up the water. (0083-9-11 [Navajo Nation Environmental Protection Agency])

**Comment:** Where is the potable water or non-potable water going to be derived from for this activity? (0096-30-1 [Pipeline Road Community Member/Anonymous])

**Comment:** Document Page: pg. 4-25, Section: 4.5.4.1, Comment Line: line 28-30, Paragraph: 3 Comment: Will the community be accomodated to water wells/water supply system that can

utilized for drinking and household? This paragraph clearly indicates that the water will be affected by leak and spills of fuels and lubricants. The RWPR is not the community in the area that utilizes the aquifer. Pipeline Canyon and western portion of Pinedale (particularly Southend of UNC Mill Site: Largo Family) (0099-1-5 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Page: 3-22, Line: 18-20 Sentence: Prior to 1967, Pipeline Arroyo was an ephemeral stream. Between 1967 and 1986, Pipeline Arroyo was the recipient of approximately 140 million m<sup>3</sup> [37 billion gallons (gal)] of water from dewatering and discharge from the NECR Mine Site  
Comment: Is there any historical background on uses of this water in local communities prior to mining? This stream flowed into the Puerco River, which was known to be used for livestock and farming, but what about this small stream? Did anyone from the community live there prior to mining? (0099-3-10 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Page: 3-25, Line: 14-16, Sentence: Use of any surface water in the State of New Mexico requires a valid permit through the NMOSE. A NMOSE permit allows the grantee the ability to put surface water to beneficial use in accordance with the approved conditions  
Comment: This may apply to more recent uses of the surface water on site, but historically, this regulation did not exist. When did NMOSE become law? (0099-3-12 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Page: 3-25, Line: 30-32 Sentence: Surface water may also be used for ceremonial purposes, such as to bless a home or sacred object, or even to be consumed as part of a ceremony. Comment: In line 8-9, the text says "this surface water was not used for human consumption" but this statement, which seems verifiable with community leaders and local individuals, suggests that the surface water was used for human consumption. Perhaps it was only used while flowing, so strike the sentence in lines 7-9, or clarify that it was erroneous (0099-3-13 [Navajo Nation Environmental Protection Agency Superfund Program])

### **2.14.3 Water Resources - Precipitation, Runoff, and Flooding**

**Comment:** in addition, there is concern about potential flooding. Where it's situated is in a floodplain and there is concern that any flash floods that we get here in New Mexico, that without better barriers and preventative measures, that the tailings could easily be washed down into the Puerco again and create additional contamination. (0001-7-2 [Gordon, Susan])

**Comment:** You know, one of the big issues is the flash floods and the potential erosion of the starter dam on the tailings pile. (0002-7-17 [Shuey, Chris])

**Comment:** Why was the 100-year flood plain not included in the DEIS? The 50-year was but not within the map, water meanders, it thinks on its own. (0024-10-3 [Martinez-Silversmith, Lee Anna])

**Comment:** A lot of these areas within water, like I said, water thinks on its own, it meanders, the soil scours, the soil moves, it erodes, there's wind erosion, there's scouring that happens. The context of the draft EIS doesn't indicate or inform the public that's reading this of a 50-year flood event, of a 100-year flood event that can happen. That's within the 1000-year timeframe that you guys are granting this permit. (0024-16-1 [Martinez-Silversmith, Lee Anna])

**Comment:** why wasn't the 100-year floodplain considered? (0024-19-5 [Boyd, Talia])

**Comment:** Indeed, the DEIS fails entirely to consider the impacts of catastrophic flooding in the Pipeline arroyo and its tributaries and the ability of cover materials to withstand such flooding over a 1000- year period. (0030-8 [Jantz, Eric])

**Comment:** 4.5.1.3 Closure Impacts (4.5.1.3.a) The licensee evaluated how the completed project would respond to potential flooding events. According to the flood hydrology calculations conducted by MWH Global Inc. [(MWH) a UNC contractor], the completion of the proposed project would permanently alter the extents of the Federal Emergency Management Agency {FEMA}-delineated 100-year floodplain and the Probable Maximum Flood {PMF} floodplain. The flood hydrology calculations for the proposed project area after the completion of the proposed action reveal that both the estimated 100- year floodplain and the estimated PMF floodplain extents would overtop Pipeline Arroyo at the location adjacent to the proposed disposal site, and encroach on the west and north edge of the existing tailings impoundment, as shown in EIS Figure 4.5-1 {Stantec, 2018c; Stantec, 2019a} . . . The NRC staff requested additional information from UNC, and UNC's response confirmed that this is not depicting an area of accumulating water for any storm, but is an artifact of the UNC model and presentation of results (showing a thin layer of overland flow down a gradual slope) (UNC, 2020). [pg4-20, lines 9 to 17, and 20 to 23] 4.5.1.3 Closure Impacts (4.5.1.3.a1) 4.5.1.3, From the Dine Uranium Remediation Advisory Commission (1 of 2) The Probable Maximum Flood (PMF) for some of the project engineering evaluations seems to have used "Probable Maximum Precipitation Study for Arizona" (2013) prepared for the Arizona Department of Water Resources by Applied Weather Associates, LLC. The storm events evaluated with that study seem to be largely based on storms in south and central Arizona with few recent events for the Colorado Plateau and the Navajo Nation (Figure 5.2, 5.3, 5.5, and 5.6). One justification for creating the Arizona report was to obtain lower Probable Maximum Precipitation (PMP) values, and the Arizona report seems to have succeeded in that goal. The NECR Mine Site and UNC Mill Site are in New Mexico at the eastern extent of the Arizona report area. (0038-1-20 [Baheshone, Nona])

**Comment:** 4.5.1.3 Closure Impacts (4.5.1.3.a2) 4.5.1.3, From the Dine Uranium Remediation Advisory Commission (2 of 2) If new weather data based Probable Maximum Flood (PMF) values are to be applied, the "Colorado - New Mexico Regional Extreme Precipitation Study" (2018) for Colorado and New Mexico could be applied because the distribution of applied storms was better located for northwest New Mexico. Applied Weather Associates assisted with the preparation of the Colorado-New Mexico report and the 2018 report seems to give 10 to 20% higher values than when the 2013 Arizona report is applied in northwest New Mexico. The 2018 Colorado-New Mexico report also provides comprehensive and publicly accessible Probable Maximum Precipitation (PMP) verification results not available with the Arizona report. Since the PMF results will need to be reviewed by at least two Federal agencies, it would be appropriate to seek guidance from Federal agencies familiar with PMP evaluations (such as the US Army Corps of Engineers or the USDI Bureau of Reclamation) on appropriate procedures to be used at the Navajo Nation for EPA and NRC projects. It is recommended that the US Army COE and USEPA establish uniform technically verified PMP and PMF procedural guidance (but not uniform precipitation quantities) throughout the Navajo Nation that would be beneficial. Procedures to establish PMP and PMF values should be publicly provided and readily accessible to the Navajo Nation so they can be implemented by tribal agencies for a wide range of Dine projects. The guidance from the CO-NM REPS Project Review Board on PMP transposition limits, maximization factors, and depth-area envelopment from the 2018 Colorado-New Mexico report (Volume I, Appendix G) needs to be considered when including PMP values at environmentally critical locations. (0038-1-21 [Baheshone, Nona])

**Comment:** The mill tailings pile will always be vulnerable to flash flooding in the Pipeline Arroyo, posing a continuous threat to nearby residents and downstream communities in New Mexico and Arizona. (0056-6 [Watchempino, Laura])

**Comment:** C. The NRC Fails to Adequately Evaluate Flooding Risks. The DEIS inadequately evaluates the risk of flooding to the consolidated waste pile and disposal cell. While the DEIS's discussion of flooding refers to the Safety Evaluation Report (DEIS at 2-6), the analysis presented in the SER does not allay the Community's concerns. First, the analysis in the SER does not appear to take the impacts of the climate crisis into account in a meaningful way. Based on Community experience, intense storm events and their attendant flooding are only becoming more frequent. The attached Declaration of Mr. Peterson Bell ("Bell Declaration", Community Attachment 1), a life-long resident of the Red Water Pond Road Community, demonstrates the violence of local flooding that the NRC does not appear to appreciate. For example, Mr. Bell recounts a flood event in the 1990s where flood waters carried a pickup truck-sized boulder approximately 1 mile from its original location. Bell Declaration at 8. Moreover, Mr. Bell's Declaration indicates that the DEIS does not mention or account for runoff from the many tributaries that feed into the Pipeline Arroyo. Id. at 6-7. Indeed, the DEIS indicates that there are no significant water features in the project area other than the Pipeline Arroyo. DEIS at 3-23. However, as Mr. Bell points out, there are several significant arroyos that run through the Red Water Pond Road community that feed into the Pipeline Arroyo and are substantial flooding risks in their own right. Bell Declaration at 6-12; photograph at p. 3. (0072-1-12 [Jantz, Eric])

**Comment:** Flash flood events, particularly those that happen in under an hour, were not accounted for in the modeling relied on in the Application or analyzed in this DEIS, a severe oversight when undertaking a project in an area prone to short, high-intensity rainfall events. Moreover, Community residents have witnessed several violent flooding events in the past several years, including a flood that destroyed the rip-rap at the bridge over the Pipeline Arroyo at Pipeline Road, as documented in the before and after photos, below. Moreover, sheet flows collect at various land features and dammed areas and flow into the Pipeline Arroyo. Bell Declaration at §§ 9-12; photograph at p. 3. (0072-1-15 [Jantz, Eric])

**Comment:** 8. Second, in the mid-1990s, I recall seeing a large boulder, as big or bigger than an F150 pickup truck, moved downstream from about the location of the Quivira Church Rock Mine IE (we called this the East Shaft) near Chestnut Road to a location on the east side of the drainage area in Section 36, immediately north of the North Cell of the UNC tailings impoundment. I remember the boulder ended up near a tank that is placed at the base of what UNC calls the Dilco Hills. This would be a trip of at least 1 mile, maybe more. 9. This low-lying area of Section 36 just north of the UNC tailings impoundment in Section 2 always seems to have standing water after heavy storms. This is the area with all the white pipes sticking out of the ground. My understanding is that these are wells used by UNC to monitor and pump the underlying groundwater. 10. I am submitting a picture of what this area looked like after a storm in September 2012. (See page 3 below.) This view is looking east from Pipeline Road toward the Dilco Hills in Section 36; the North Cell in Section 2 is on the right side of this photo. I have observed runoff events like this one many times over the past several decades, including when the mill was still operating. 11 I am reporting my observations because I don't think that the NRC people have ever seen the force of these runoff events in and around our community. When it rains in the summer, the storms are short but can be very powerful. The arroyos fill up quickly. All of my family members who live in the Red Water Pond Road Community have seen these floods. I think the NRC people would appreciate the power of these flash floods if they could see what I have observed over the past 60 plus years. (0072-2-12 [Jantz, Eric])



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**Comment:** Comment Number: 17, Section: 3, Document Page: pg. 3-27, Paragraph: 3 why has FEMA not explore that area? (0083-12-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 38, Section: 4, Document Page: pg. 4-18, Paragraph: 3 100 year flood plain encroaches the proposed disposal site - why was not this a highlight in Chapter 3. the 100 year nor the 50 year flood plain is included in the image that is referenced in Chapter 3. This is vital info! Once again a GOLD KING MINE scenario. (0083-14-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 15, Section: 4, Document Page: pg.4-20, Paragraph: 2 The floodplains, hydrology calucations for the proposed project area after the completion of the proposed action reveal that both the estiamated 100 year flooplain and the estimagued PMF (Probable Maximum Flood) floodplain extents would overtop Piepline Arroyo at the location adjacent to the proposed disposal site, and encroach the west and north edge of the existing tailing impoundments. -Theoretically, there is still a major possibility this could not be adjacent and be directly to the UNC mill, if the west and north will be impacted. (0083-14-9 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 24-32, Section: 4, Document Page: pg.4-20, Paragraph: 3 100-year flood plain studies by FEMA, INTERA and Canonie Environmental all have the outcome that the 100-flood will impact the UNC Mill Site. (0083-14-10 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 8, Section: 4, Document Page: pg.4-21, Paragraph: 1 NRC staff concludes that the potential environmental impacts to the surface waters from the closure phase is MODERATE. - I don't think it should be considered MODERATE; possibly LARGE in consideration that this 1000 year license and realistically a 10, 50-100 year flood WILL happen. (0083-15-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 13-15, Section: 4, Document Page: pg. 4-24, Paragraph: 4 Ground water could be affected if stormwater comes into contact with construction equipment, sturctures, stockpiles, tailing impoundment construction area, and other disturbed areas and is then allowed to flow into recharge areas- why is there no BMPS in place listed in this area to prevent this type of mistake (0083-15-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 12, Section: N/A, Document Page: Pg. 2-23, Paragraph: N/A So what is our goal? What are the options? The disposal site is in a flood plain. With climate change, flood events will occur more often and be more intense. Is allowing the waste to be staged or disposed of in this flood plain just setting the stage for another disaster like the "incident" (page 3.78, line 20) in 1979? (0083-18-12 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 17, Section: 4.501, Document Page: pg.4-17, Paragraph: Line 16 They admit that potential impacts to surface waters and wetlands may be greater in areas containing floodplains, such as the Pipeline Arroyo. (0083-19-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 18, Section: N/A, Document Page: pg.4-18, Paragraph: line 37 EIS discuss all kinds of mitigation plans to avoid flood damage. They discussed the 100 year flood lines which are arbatrary since they have modified the channel of the water feature in Pipeline Arroyo. What about a 500 year flood event? Maximum precipitation events will become more frequent as a response to climate change. A flood plain is NOT the place to dispose or

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dispose of radioactive waste. They are going to construct a jetty to mitigate flooding based on the FEMA flood lines. Jetties are effective right up until they fail. Which they inevitably do. FEMA's flood plain maps are not to be relied upon either. (0083-20-1 [Navajo Nation Environmental Protection Agency])

**Comment:** There are two or three sludge ponds on the south side of the NECR. This is where the high contamination numbers are. Right now when it rains, the water percolates into the surroundings and the contour of the land allows for any rain water to run northward into the No Name arroyo. (0083-26-8 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 1, Section: Environmental Impacts, Document Page: 25, Paragraph: 4 Will there be a monitoring system for the site during heavy storm events so that sediment load and the runoff quantity data can be maintained. This may be a way to understand the transport of sediment and correlate what has previously occurred with any bore hole samples taken. (0083-3-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 2, Section: 1.NECR Mine Site, Document Page: 37, Paragraph: 4 Will there be a monitoring system for the site during heavy storm events so that sediment load and the runoff quantity data can be maintained. This may be a way to understand the transport of sediment and correlate what has previously occurred with any bore hole samples taken. (0083-3-9 [Navajo Nation Environmental Protection Agency])

**Comment:** 50. What measures are currently being considered for reducing and treating migration of contaminants off site during a heavy storm event? (0083-32-4 [Navajo Nation Environmental Protection Agency])

**Comment:** 53. A monitoring system for the site during heavy storm events MUST be in place so that sediment load and the runoff data can be maintained and monitored. There is no plan for this within the EIS. How can the Draft EIS be considered complete without this plan? (0083-32-7 [Navajo Nation Environmental Protection Agency])

**Comment:** J. What Are The Flood And Ground Water Risks And How Will The Pipeline Arroyo Alterations Address Them? Prior to 1967, Pipeline Arroyo was an ephemeral stream... Pipeline Arroyo has become an ephemeral stream again, flowing primarily in response to precipitation events (EIS section 3.5.1.1 ). 80. How was the baseline design storm (100 year) established considering the Pipeline Arroyo hasn't been ephemeral since 1967? 81. Have there been possible watershed properties and if so, have these been considered since the baseline design storm was established? (0083-35-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 123. The 100-year flood plain encroaches upon the proposed disposal site. The Navajo do not have any intention to abandon their lands within the next 100 years. Why is this alone not a major factor in it not being disposed there? (0083-39-8 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 31, Section: N/A, Document Page: xxi, Paragraph: 3 What measures are currently being considered for reducing and treating migration of contaminants off site during a heavy storm event? (0083-7-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 49, Section: 4.5.1.4, Document Page: N/A, Paragraph: N/A NNEPA is concerned about flooding of the Pipeline and can not provide additional information that maybe helpful in further determine a potential risk to the project. It is a very big concern given the events of the past. Although engineering measures are implemented, and designs

have been refined since July 16, 1979, there is no guarantee that the Alternatives and the design would be flood proof. (0083-8-9 [Navajo Nation Environmental Protection Agency])

**Comment:** I'm going to make a comment on the surface water and groundwater impact. Page 18, it's stated, "Stabilization work in Pipeline Arroyo jetty area." Not only the Pipeline Arroyo water runs through the jetty area. We have our Rio Lobo Pipeline Road arroyo from there that meets it right there, too. So, don't continue just mentioning Pipeline Arroyo. That's part of ours also, as the community. (0096-25-1 [Whiterock, Jerry])

**Comment:** Controlling the flooding, why don't start way back where the Pipeline Community is living and start fixing to control the flood water? So, eventually, it would erode there where you guys are planning to bury the waste. There's a couple of big ditches coming from our community and, also, over there at Red Pond Community. Maybe if they can start controlling that flood, that runoff, that will help out. (0096-26-1 [Murphy, Alfred])

**Comment:** Page: 3-27, Line: 21-22 Sentence: FEMA designated the Pipeline Arroyo floodplain as an area with a 1 percent chance of flooding annually or an area that would flood during a 100-year storm Comment: Do these figures need to be updated after extensive erosion and flooding has occurred in the past couple of years? (0099-3-15 [Navajo Nation Environmental Protection Agency Superfund Program])

#### **2.14.4 Water Resources - WOTUS**

**Comment:** Clean Water Act Section 404 According to the Draft EIS, no determinations of waters of the United States (WOTUS), as defined by the 2020 regulatory definition, have been made; however, the NRC, under the 1986 regulatory definition, previously found WOTUS within the general region of the proposed project area (pg. 3-27). Under the Navigable Waters Protection Rule (NWPR), intermittent and perennial streams and their adjacent wetlands are jurisdictional if the streams flow to a Traditional Navigable Water in a typical year. According to the Draft EIS, UNC has agreed to comply with substantive Clean Water Act provisions and regulations (pg. 3-28), but it remains unclear whether jurisdictional waters are present. Recommendation: To provide legal clarity, please clarify that in the absence of a jurisdictional determination consistent with the NWPR conducted and verified by the U.S. Army Corps of Engineers, the EPA will treat any waters and wetlands as if they are jurisdictional under the Clean Water Act and ensure that appropriate Best Management Practices are developed for any impacted portions to comply with the substantive requirements of the Clean Water Act. (0040-4 [Priatelj, Jean])

**Comment:** Comment Number: 26, Section: 3, Document Page: pg. 3-27, Paragraph: 4 NN has jurisdiction of WOTUS; Navajo is sovereign you need to check with WQ about this. (0083-12-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 26, Section: 3, Document Page: PG. 3-19, Paragraph: 5 NNEPA WQ is reserving their sovereignty to continue to protect ephemeral waters which are considered major tributaries to waterways, this Pipeline Arroyo would definitely fit in that category. It is also proposed with the new Biden/Harris administration that the 2015 ruling could go back into affect. (0083-12-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 30, Section: 3, Document Page: Pg. 3-27, Paragraph: 6 Wetland is defined by 3 elements by USACOE: 1) inudates or saturation 2) wetland species (plant, animal) hydrophic species; existing in waterway 3) watermark (0083-12-8 [Navajo Nation Environmental Protection Agency])

## **2.14.5 Water Resources - Groundwater Corrective Action Program and Water Quality**

**Comment:** Everyone is aware of the spill or the dam break in the area by that river, Puerco River. So my fear is back. I was involved with trying to identify some sentinel well locations because surface-wise, all the runoff runs towards Gallup, right, southwest. But subsurface, meaning under the ground, the runoff is going towards northward, which is into Navajo land. And the border is right there by that pipeline road. And that's the area that the sentinel wells were going to be located. And I don't know, I've been kicking off the projects. So I don't know where or if those wells have been placed because there's contaminants subsurface-wise going towards Navajo, the Navajo Trust land area. So I was just wondering if we're going to be putting more weight on that proposed location, is there not going to be a cleanup subsurface-wise? Is that contamination going to continue to move onto Navajo or is that going to be addressed? (0001-22-1 [Jenkins, Darlene])

**Comment:** But now we have another situation going back subsurface-wise, the contaminants going onto Navajo. So will that be addressed before the waste is moved on to the proposed site or how is that all going to be dealt with? (0001-22-3 [Jenkins, Darlene])

**Comment:** There is concern that the mill tailings are not lined. They're not sitting on a lined base. And so, it will allow continued leaching into the groundwater. And a main concern is that this proposal does not address the contaminated groundwater in the area. (0001-7-3 [Gordon, Susan])

**Comment:** And how, you know, you can have a superfund cleanup plan that doesn't at all look at groundwater contamination is just completely not acceptable. (0001-7-4 [Gordon, Susan])

**Comment:** Long-term water monitoring at the tailings impoundment at the UNC Mill Site is expected to have some impacts on the local regions water quality. (0018-6 [Pederson, Mathew])

**Comment:** deep concern of groundwater contamination and that transfers into some of the KTNN radio listening sessions and over and over again, groundwater contamination came up over and over again. And you all talk about putting it back to pre-mining conditions that has never been done, especially with groundwater, that has never, ever been done. So, how dare you all feed us that nonsense? (0024-19-6 [Boyd, Talia])

**Comment:** I know groundwater, I understand it, I know there's a lot of recharge. This Morrison formation, we have the Gallup sag to the south of the area, it continues even over to the Nutria Monocline and it enters the Zuni uplift and then to the north we have the San Juan basin and we have the Pinedale Monocline right there at the northernmost part of that basin. And I understand how groundwater flows and right there at the Pinedale Monocline, that's where all the Morrison is exposed. You drive in towards the NECR mine, the UNC mill site, all that area of Pinedale, and you pass through all those rocks. Then you get into the (inaudible) and right then and there that's where that Morrison formation goes deep into the Earth. This is how I think when I go to the place. This is my heart, this is my home, I go beyond science when I think about these things and I really believe the precipitation there was meant to be clean from the sky and enter these rocks where they're exposed as recharge. Now, it's all a big soup of contamination and like it was said earlier by Ms. Talia Boyd, how are you going to clean it? There's nobody addressing it, nobody wants to. It's a big hard no from the Federal Government and I'm tired of it. (0024-20-3 [Arviso, Alyssa])

**Comment:** I think these issues need to be addressed and if you keep saying, well, they can't be because it's under the CERCLA criteria or that it's set by Congress. Well, let's make a way.

When there's a will, there's a way and I think there's some things that are not -- yes, the U.S. EPA and Federal Government, they provide these guidances, but where's the guidance on how to get that groundwater study done? Where is that time to put the money spent where it should be spent, in cleaning up the area, in cleaning up the groundwater? (0024-20-4 [Arviso, Alyssa])

**Comment:** I just wanted to respond on the one question about CERCLA addressing groundwater and I do want to say that I don't want anyone to be confused about that. CERCLA does allow EPA to address groundwater and that is a big part of what we do in the superfund program. And the groundwater at the UNC mill site is one of the things that U.S. EPA has been working on. [Taylor, let's chat about whether this is a comment or not. it isn't from the public it is from the staff in response to the public - Marla] (0024-21-1 [Williams, Laurie])

**Comment:** 3.12.2.2. UNC Mill Site Tailings Disposal and Tailings Impoundment (3.12.2.2.a) After the incident, the NRC published an abnormal occurrence report {45 FR 2424} that described the event, the probable consequences, the causes, and corrective actions taken. This included multi-agency oversight of the cleanup effort and actions to prevent recurrence. A subsequent survey of drainage sediments to assess the geographic scope of the tailings release was documented in the NRC report entitled "NUREG/CR-2449 Survey of Radionuclide Distributions Resulting from the Church Rock, New Mexico, Uranium Mill Tailings Pond Dam Failure" {NRC, 1981}. Additional assessments following the incident included a biological analysis by the Centers for Disease Control {CDC, 1980} and a health and environmental assessment by NMEID {1983}. The CDC report noted that elevated levels of radionuclides in water and sediments had declined significantly over time and posed no significant danger to human health. The CDC made recommendations for further mitigating public doses associated with specific elevated pathways (e.g., consumption of organ meat from livestock that routinely consumed mine dewatering effluents from drainages). NMEID concluded that the spill affected the Puerco River valley environment for a brief period and had little or no effect on the health of local residents. They noted the greater concern at the time was the quality of perennial dewatering effluents in the Puerco River and the quality of natural runoff following thunderstorms or snowmelt (NMEID, 1983). [pg3-78, lines 20 to 36] 3.12.2.2. UNC Mill Site Tailings Disposal and Tailings Impoundment (3.12.2.2.a) 2.12.2.2, From the Dine Uranium Remediation Advisory Commission (1 of Are the "perennial dewatering effluents," as referenced in the paragraph above, effluents that are likely associated with area uranium mines? Is the NECR Mine one of the likely contributors? (0038-1-15 [Baheshone, Nona])

**Comment:** NRC and USEPA reported in previous meetings with the Navajo Nation that the groundwater flow regime to the northeast could eventually impact windmills and other water sources used by Navajo families. The fluvial geomorphological stability [the geological stability of the land impacted by water flowing in channels and rivers] is uncertain and thus, the morphodynamic [the hydrodynamic study of landscape changes due to water flow and accumulation and the resulting erosion and sedimentation] corridor of surface and subsurface conditions may be at risk. Additionally, there are many unknown subsurface conditions common to mine areas, including abandoned underground workings, high infiltration zones, aquitard diversions, and geological instabilities; and there is a potential for resulting groundwater impacts. Similar mill site groundwater impacts are found at the Shiprock, Monument Valley, Mexican Hat and Tuba City USDOE mill sites. (0038-2-13 [Baheshone, Nona])

**Comment:** In addition to how the Church Rock mill spill sedimented throughout the entire Rio Puerco hydrological system, there is a slow disaster occurring from the groundwater drainage of mine waste and mill tailings piles that have been left bioavailable onsite. (0081-2 [De Pree, Thomas])

**Comment:** Comment Number: 11, Section: 3, Document Page: pg. 3-35, Paragraph: 1 Where are the monitoring data reported in this document? A chart? It has been since 1988, that's 33 years of data. (0083-12-9 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 40, Section: 4, Document Page: pg.4-1, Paragraph: 3 on going surface and groundwater reclamation would continue- why wont this continue throughout the duration, if the hazardous waste goes to the mill? What is the current status of the groundwater and surface water at this UNC Mill Site? This should be notated what the current position is on this, and possibly a graph of what the previous years looks like prior. (0083-12-16 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 15, Section: 3.12.3, Document Page: pg.3-82, Paragraph: Line 18 Is groundwater considered a receptor? It should be! (0083-19-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 28, Section: 4.5.4, Document Page: 4-23, 4.-24, Paragraph: Ground Water Impacts

Groundwater quality concerns, with the history of the mill site, i.e. the historical mine spill released contaminants that have entered alluvium. It is also noted the Church Rock mine was an underground mine and the mine was eventually backfilled with the mine waste during reclamation. There are currently no groundwater studies to acknowledge these findings. (0083-22-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 5, Section: Site History, Status, and, Document Page: 61, Paragraph: 3 Extraction systems were shut down in 1999 and 2001. Has there been any monitoring data that shows rebounding of any of the contaminants in this zone? For Zone 3, what pilot studies or supplemental feasibility studies or have been proposed for Zone 3's enhanced cleanup efforts? (0083-3-3 [Navajo Nation Environmental Protection Agency])

**Comment:** 45. Because of the decline in water elevation, describe what the water quality is doing? Is uranium being retained in the sediment? Can water samples be taken to capture a range of groundwater quality across the tailings impoundment site and through shallow aquifer zones impacted? How can the UNC expect to move forward on an EIS that does not include the proper hydrology studies that would answer questions like these? (0083-31-4 [Navajo Nation Environmental Protection Agency])

**Comment:** 85. Groundwater Quality: NNEPA is concerned about the groundwater quality given the history of the site. The mine spill released contaminants into the alluvium. The Church Rock mine was an underground wet mine. Then the mine was backfilled with mine waste during reclamation. The effects of all these instances on the ground water have not been fully studied or understood. This Draft EIS should not move forward until the long-term effects of the actions are studied and understood. How does the UNC propose to move a Draft Environmental Impact Study forward without this critical information? ...Water is life. (0083-35-5 [Navajo Nation Environmental Protection Agency])

**Comment:** As a result of groundwater remediation activities that have occurred since 1980 (i.e., pump-and treat groundwater extraction systems described in EIS Section 3.5.4.2), and the withdrawal rate of the area being substantially higher than the recharge rate, water levels in the Quaternary Alluvium, Zone 3, and Zone 1 have declined and are currently below the base of the tailings impoundment cells. Based on a comparison of this water level data with historic and

current water elevation data reported in the 2018 Groundwater Corrective Action Annual Review Report for the UNC Mill Site (Hatch, 2019), water levels in the Southwest Alluvium, Zone 3, and Zone 1 continue to decline and, without a substantial recharge and rise in the water table in these units, contact between groundwater and the existing tailings would not occur (EIS section 3.5.2.3). 99. Where are groundwater levels expected to be when pump and treat ends, or some change in the withdrawal rate of the area occurs, or both? In the next 1,000 years, could the groundwater contact the tailings? 100. Where was the groundwater naturally with regards to the bottom of tailings? 101. Could it rise to this level in the future? 102. How was the evaluation done? Please provide these documents for review. (0083-37-4 [Navajo Nation Environmental Protection Agency])

**Comment:** 105. The EIS refers to the mitigation measures to ensure groundwater quality in several sections but where is the defined mitigation measure to make the water safe? Is the EPA ignoring that the groundwater has been contaminated for quite some time and the current mitigation measure has not been sufficient? (0083-38-2 [Navajo Nation Environmental Protection Agency])

**Comment:** 108. Extraction systems were shut down in 1999 and 2001. Has there been any monitoring data that shows rebounding of any of the contaminants in this zone? For Zone 3, what pilot studies or supplemental feasibility studies have been proposed for Zone 31s enhanced cleanup efforts? (0083-38-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 14, Section: Groundwater Characteri, Document Page: 118, Paragraph: 6 Because of the decline in water elevation, describe what the water quality is doing . Is uranium being retained in the sediment? Can water samples be taken to capture a range of groundwater quality across the tailings impoundment site and through shallow aquifer zones impacted? (0083-4-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 50, Section: 4.5.4, Document Page: N/A, Paragraph: N/A Groundwater Quality: NNEPA is concerned about the groundwater quality given the history of the site. The mine spill released contaminants into the alluvium. The Church Rock mine was an underground wet mine. Then the mine was backfilled with mine waste during reclamation. The effects of all these instances on the ground water have not been fully studied or understood. (0083-9-1 [Navajo Nation Environmental Protection Agency])

**Comment:** There is also the potential for contaminants to travel when the pumping of water creates a void. (0083-9-12 [Navajo Nation Environmental Protection Agency])

**Comment:** 3. The alluvial deposits that are local groundwater sources outcrop along the arroyo and rainfall infiltrates them and ultimately into lower aquifers- What is the chemistry like? (0094-1-15 [King, Susan])

**Comment:** 4. The EIS reports that the alluvial water table is below the impoundment because of remediation. Will that remediation continue and if not, what will that mean for the water quantity and quality? (0094-1-16 [King, Susan])

**Comment:** There's one additional question. Is the groundwater safe in the Pipeline Community area? (0096-27-1 [Pipeline Road Community Member/Anonymous])

**Comment:** And how often is that water tested for these communities surrounding the UNC and and the NECR site? (0096-27-2 [Pipeline Road Community Member/Anonymous])

**Comment:** How deep are them environmental wells drilled on the Pipeline roadside and them three wells? And when are you going to come out and check them? (0096-28-1 [Leslie, Sibert])

**Comment:** And the drainage of this uranium, you know, it's just like leaching. To me, it sounds like leaching. But, you know, leaching, it's still, no matter when you go down and drill, that water system, it's still no good. And they say it is good, but it's not. (0096-3-2 [Leslie, Sibert])

**Comment:** we were complaining the roads, and then, them burying that waste across over the old mill site. Yeah, you guys were to fix on the top, but down below at the water table, it's messing up our groundwater. And we've got one windmill for our livestock. If that gets contaminated, we'll need a new windmill. (0096-8-2 [Murphy, Alfred])

**Comment:** A person asked if the groundwater corrective actions ongoing at the United Nuclear Mill Site would restore the groundwater to its original condition. (0097-6 [Community Member, Red Water Pond Road])

**Comment:** Document Page: pg. 4-28, Section: 4.5.6, Comment Line: line 44-45, Paragraph: 3  
Comment: Line states: The EPA has worked to assess groundwater for the NECR Mine, however EPA has not completed a final groundwater assessment. -Comment- NOT COMPLETED ground water assessment!!! WHY??? UNC groundwater assessment has been completed but not NECR after 20 years, and not completed!!! (0099-1-7 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-27, Section: 5.5.2, Comment Line: line 19-21, Paragraph: 2  
Comment: line states: continue to be a significant (major) impact to local groundwater. Since the dam failure, efforts to remediate the contaminated groundwater have occurred and are ongoing. -comment- 42 years later and its still ongoing efforts by USEPA and the NRC to address satisfactory requirements to the impact of the local groundwater of the UNC. There has been money put aside and years of knowing this contamination exists but no breakthrough or success. It seems as if it will forever be contaminated and the community having the long lasting repercussions of the contamination again. (0099-2-17 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-27, Section: 5.5.2, Comment Line: line 32, Paragraph: 2  
Comment: NRC requirements for protection ground water, should be outlined here. (0099-2-18 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Page: 3-33, Line: 19-21 Sentence: water levels in the Southwest Alluvium, Zone 3, and Zone 1 continue to decline and, without a substantial recharge and rise in the water table in these units, contact between groundwater and the existing tailings would not occur. Comment: The lack of data points beyond 2003 would signify a data gap, even if pumping information were not readily available. The system, if running since 1980, likely has more available data points for each aquifer, which could better support this argument. (0099-3-16 [Navajo Nation Environmental Protection Agency Superfund Program])

#### **2.14.6 Water Resources - Requests for Documentation**

**Comment:** Comment Number: 12, Section: 4, Document Page: pg. 4-13, Paragraph: 1  
Stormwater controls include the East Repository Channel- where are the design plans for these stormwater controls? Where is the East Channel Repository ? First I have heard this term in the DEIS (0083-13-14 [Navajo Nation Environmental Protection Agency])



**Comment:** Comment Number: 8, Section: Proposed Action and Alt, Document Page: pg.2-7, Paragraph: Beginning line 34 UNC proposes to install permanent stormwater controls for the proposed disposal site using existing swales and channels constructed on the tailings impoundment, with improvements and supplemental controls where necessary Are these improvements and supplemental controls described in detail of construction materials anywhere? (0083-18-8 [Navajo Nation Environmental Protection Agency])

**Comment:** 55. What is the current status of the groundwater and surface water at this UNC Mill Site? Please provide these documents for review. (0083-32-9 [Navajo Nation Environmental Protection Agency])

**Comment:** 88. Stormwater controls include the East Repository Channel - where are the design plans for these stormwater controls? (0083-36-2 [Navajo Nation Environmental Protection Agency])

## **2.14.7 Water Resources - Pipeline Arroyo Stabilization/Jetty Area Work**

**Comment:** Section 4.5.1.3 Closure Impacts, page 4-20: This subsection under the Water Resources heading describes changes to the floodplain and notes that the design of the Pipeline Arroyo improvements was evaluated by the NRC staff and documented in a safety evaluation report. Below, UNC describes the approach utilized and has included excerpts from the Northeast Church Rock 95% Design and Appendix I of the design (Stantec, July 2018) approved by USEPA that describe stabilization measures to be employed under a range of flood events. We recommend that NRC consider including this information in the DEIS to provide further detail on these issues and address questions received during the public meeting on the project design. The Northeast Church Rock 95% Design shows floodplain extents for existing and proposed conditions with the repository in place. In both cases, the 100-year floodplain and the probable maximum flood (PMF) are modeled to extend to near the toe of the dam, particularly in low areas, and flooding is expected in low areas of the tailings cover. The riprap structure for the Jetty area, as well as the upgrades to channels on the cover of the tailings, are designed with erosion protection to ensure stability attributable to flow velocities from the PMF. The primary design objective for the Jetty Area is to limit headcutting of the arroyo from that pinch point and prevent meandering of the arroyo toward the dam. Smaller storm events are expected to cause natural erosion in other areas of the arroyo, upstream and downstream of the jetty. The design for the Pipeline Arroyo Stabilization evaluated a range of flood events and will provide protection that can statistically be expected to "...be effective for one thousand years, to the extent reasonably achievable, and, in any case, for at least 200 years..." (40 CFR §192.32). Stantec estimated the design flood event by simulating runoff hydrographs for a corresponding design storm event, where the design storm event was developed as a center peaking rainfall distribution that included the peak rainfall intensity for every duration from 5 minutes to 24 hours, and for design storm frequency or the probable maximum precipitation (PMP) intensity for all durations from 10 minutes to 6 hours. The Pipeline Arroyo Watershed above the Tailings Disposal Area (TDA) is approximately 18 square miles in area. The estimated PMF in the arroyo reach that runs along the TDA is 27,600 cubic feet per second (cfs) (see Attachment I.1 of Appendix I of the LAR). Figure I.6-1 shows the floodplain extents for the PMF and the 100-year and 5-year floods, estimated with a two-dimensional hydraulic model (HEC-RAS) (see Attachment I.6). The simulated flood extents show that the 5-year storm will be contained in the Pipeline Arroyo, but that the 100-year flood and the PMF will overtop the arroyo. The estimated flood plain extents for the 100-year flood and PMF include the Pipeline Canyon Road that parallels the arroyo north of the TDA. The estimated PMF floodplain extents are also estimated to encroach on the north edge of the TDA and the base of the repository. The median riprap

diameter for the chute is 27 inches. The hydraulic analysis (Attachment I.7) demonstrates that these riprap sizes will provide a factor of safety for the PMF of slightly greater than 1.0. Flood events between the 10,000-year flood and 100-year flood events are estimated to have greater factors of safety as shown in Table I.7-1 (see Attachment I.7). (0041-6 [Hauer, Lance])

**Comment:** Comment Number: 43, Section: 4, Document Page: pg.4-18, Paragraph: 3 affect downstream drainage or flooding patterns- what is the possible repercussions, should this happen? Has NNEPA looked at what BMPs? Will BMPs be place to help prevent this to happen downstream should it happen. Will they be implementing any BMPs at these potential points where it may occur. If so where is the details, plans and language for these BMPs??? (0083-14-7 [Navajo Nation Environmental Protection Agency])

**Comment:** In addition to changes in flow, Pipeline Arroyo has also laterally migrated from its pre-1954 flow path to the present flow path (INTERA, 2019). This migration is caused by scouring {the forcible erosion of soil or rock by the flow of water) and sediment transport within the Pipeline Arroyo channel. Based on images since the 1950s, scour may continue to deepen and widen the arroyo {Stantec, 2019; INTER 2019} {EIS Section 3.5.1.1). 89. Is there going to be significant risk to the tailings impoundment? 90. How have past attempts to divert the flow path away from the tailings impoundment performed? 91. How have the engineering plans for the Pipeline Arroyo been altered to ensure the riprap added along the bottom will slow down water movement as intended, and not be washed away with inevitable flooding? 92. What makes future attempts to divert water more effective and assured of success for 1,000 years? 93. When speaking of potential future groundwater impact, "could" is not an acceptable term. Where are the studies and projections which provide assurances and accurate information? (0083-36-3 [Navajo Nation Environmental Protection Agency])

**Comment:** 2. What elements are already deposited in the Pipeline Arroyo? Scouring is occurring in the arroyo and could deepen and widen next to the tailings impoundment-surface water flow has been diverted around the impoundment. (0094-1-14 [King, Susan])

**Comment:** On the arroyos, how are they stabilizing that rock there? It's not stabilizing it. I mean, it's tearing through. Because, you know, through that canyon there where we live, water, when it floods, it comes down and it's deteriorating our road, and it just pushes us more, more to the left side of where we travel. And we have to make our own road. From the east side, if you're on top of (not understandable) Canyon, and also from the old mill site, you will see at south that canyon, that road there. And it washes out and fills in. And another thing is, too, we fight that water when it's like right now. My aunt had to leave because she can't pass by and she's worried about going across that arroyo with all that water. So, another thing is maybe a bridge or do something with that, with that ditch there, that arroyo, what you're talking about. (0096-14-1 [Leslie, Sibert])

**Comment:** This is where they're talking about. This is the UNC center, the mill site. This is the jetty right here at 566, over here, too. So, this is where they're talking about. That is already breaking up and it's -- in science terms, it's called "meandering." So, it's moving towards the mill, the mill site. (0096-15-1 [Pipeline Road Community Member/Anonymous])

**Comment:** I've got a question on erosion control. You mentioned jagged rock, or something, from erosion. And you said it might -- it might -- work. That's not good enough, especially if you're going to bury that stuff there for many years, 100 years, 1,000 years, or whatever you mentioned. So, we need a better answer than that, than "it might." We need something more stable saying that it's going to work, definitely work. (0096-16-1 [Murphy, Alfred])

**Comment:** Document Page: pg. 4-25, Section: 4.5.4.1, Comment Line: line 21, Paragraph: 2  
Comment: outcrop lateration: elaborate on what that possibility could be (0099-1-3 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Page: 5-22, Line: 41-43 Sentence: As described in EIS Section 4.5.1, the potential impacts to surface waters from the construction and transfer activities associated with the proposed action would be SMALL but could become MODERATE in the event of a heavy storm coinciding with work in the Jetty Area. Comment: Is this going to be addressed through construction timeline controls, as heavy rain events are mostly prevalent during the late summer months? (0099-3-17 [Navajo Nation Environmental Protection Agency Superfund Program])

#### **2.14.8 Water Resources – Groundwater Characterization and Further Studies**

**Comment:** On July 16, 1979, the UNC dam at the tailings impoundment failed and released approximately 350 million liters (L) [93 million gallons (gal)] of tailings that flowed down the Pipeline Arroyo into the Puerco River drainage system and the underlying alluvium. A small emergency retention pond captured approximately 1,000 metric tons [1,100 tons] of solid material from the release (EPA, 2013b). A multi-agency cleanup effort and assessment was conducted and documented in the NRC report entitled "NUREG/CR-2449 Survey of Radionuclide Distributions Resulting from the Church Rock, New Mexico, Uranium Mill Tailings Pond Dam Failure" {NRC, 1981}. [Lines 31 to 37, Page 2-8] 2.2.1.2, From the Dine Uranium Remediation Advisory Commission (1 of 2): The CR-2449 report prepared by prepared by W. C. Weimer, R. R. Kinnison, and J. H. Reeves of Pacific Northwest Laboratory described the shallow soil sampling conducted along the Pipeline Arroyo and Rio Puerco from 9/24/79 to 10/05/1979, or 70 to 80 days after the dam breach. The referenced report describes the shallow soil sampling for levels of 210Pb, 226Ra, 230TH, and 238U, and includes an Appendix F with revised "Rio Puerco cleanup criteria" proposed by the New Mexico Environment Improvement Division. If there is a report that describes the multi-agency cleanup effort that was conducted, and describes the level of cleanup attained, that report could provide useful information for area residents. The CR2449 report does not provide information about the multi-agency cleanup or the level of cleanup attained. The Draft EIS does document the local groundwater quality monitoring and remediation of the groundwater impacted by the operations at the NECR Mine site, the UNC Mill Site, and the Quivira Mine Site in Section 3.5.4.2., but it does not include downstream Rio Puerco comprehensive watershed and aquifer evaluations. (0038-2-14 [Baheshone, Nona])

**Comment:** The Draft EIS does address the local groundwater quality monitoring and remediation of the groundwater impacted by the operations at the NECR Mine site, the UNC Mill Site, and the Quivira Mine, and informs readers that comments and concerns related to the local groundwater quality monitoring and remediation will be addressed during the Draft EIS comment period. It appears that comments and concerns about areas downstream of the currently identified local groundwater and quality monitoring and remediation areas will not be addressed by the Draft EIS because the NRC has determined that the downstream areas are not identifying problems or concerns that are under NRC's regulatory authority, or that the UNC Mill owner has met or will meet their legal obligations at the Pipeline Arroyo and Rio Puerco by the local groundwater quality monitoring and remediation described in the Draft EIS. (0038-2-15 [Baheshone, Nona])

**Comment:** Mine water chemistry was characterized by high concentrations of uranium, radium and suspended solids in excess of limits imposed by NPDES permits for the Northeast Church Rock Mine, Kerr-McGee/Quivira Church Rock I Mine, and the Old Church Rock Mine. Shuey C.,

Puerco River Symposium, Navajo Nation Environmental Protection Administration, Ft. Defiance, Ariz., Oct. 14. Albuquerque: Southwest Research and Information Center (1992); Robinson WP, Uranium Production and its Effects on Navajo Communities Along the Rio Puerco in Western New Mexico, Chapter 11 in Proceedings of the Michigan Conference on Race and the Incidence of Environmental Hazards (Eds.: B. Bryant, P. Mohai). Ann Arbor: University of Michigan School of Natural Resources (December, 1990); Shuey C., The Puerco River: Where Did the Water Go? 11 The Workbook 1, (January/March, 1986); available at: [http://sric.org/workbook/features/V11\\_1.php](http://sric.org/workbook/features/V11_1.php). Recent concern has arisen that a front of elevated uranium concentrations in the alluvial aquifer in the Sanders, Arizona reach of the Puerco River may be related to steady infiltration of uranium released from past mining discharges. McQuillan D, Shuey C, Robinson P. Let's Not Wait for Catastrophic Spills to Happen: Holistic, Long-Term, Multi-Jurisdictional Monitoring in Legacy Mining Areas. (0072-2-5 [Jantz, Eric])

### **2.14.9 Water Resources - Downstream Impacts**

**Comment:** And I keep giving the reasoning behind why groundwater is not studied but that's not enough, that's not enough for our community, it's not enough for me personally being a resident of the area in Coyote Canyon. I like to see more money in water studies here, how did the San Mateo water study get approved? How did it get approved? When you live on Navajo, deep in your heart, your mind, your soul, everything, everything is connected, the animals, the insects, the earth, our stars, air, water, wind. (0024-20-2 [Arviso, Alyssa])

**Comment:** Comment Number: 30, Section: 3, Document Page: ", Paragraph: 3 2.21.2 A graph illustrating the groundwater changes should be included of the 6 approaches. Not just featuring the 2 approaches. (0083-12-10 [Navajo Nation Environmental Protection Agency])

**Comment:** There was no groundwater study. The region surrounding NECR mine is hydraulically connected including the underground mine workings. (0083-26-5 [Navajo Nation Environmental Protection Agency])

**Comment:** 3. "The EPA has the responsibility of overseeing the NECR Mine Site remediation and will determine the appropriate rules, regulations and mitigation measure to ensure groundwater quality is protected from any negative environmental impacts resulting from reclamation activities". This is a false statement because USEPA has not investigated the groundwater despite Navajo Nation EPA's concerns which have been stated many times. During the 05/13/21 Uranium Commission meeting, there was mention of a groundwater study. This is the first time I heard of this. I believe this study is important for Elisa. (0083-26-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Beneath the NECR mine and the Red Water Pond Road are networks of underground mine workings - there was no groundwater study - this should be analyzed with the report of a groundwater study. Water is a precious resource along with air quality and the land resources. In the Time Critical Removals of 2005/2006, the No Name Arroyo which comes off the NECR mine site, was the most contaminated water way. (0083-26-9 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 7, Section: Surface Water Features, Document Page: 109, Paragraph: 4 Include the local cross sections of the project using local geology maps and well data. Indicate the hydrologic basins of the NECR mine site, ie, San Juan Basin and the Puerco River Basin. Both basins show differential flow for shallow and deep aquifer systems. There is alot of geologic description in text describing the higher resolution or regional geology. With the well data that is available from surrounding wells, include a potentiometric map to display both

shallow and deep aquifer systems and their associated flow direction and movement within the local basin setting. Describe the area of influence the UNC historically had at the NECR site during dewatering and what the area of influence currently is. Understanding that this is the EIS phase, indicate what is readily available for review and what can be prepared for in a separate water investigation of the NECR site or if this can be included in the groundwater correction action plan. (0083-3-5 [Navajo Nation Environmental Protection Agency])

**Comment:** The accumulation of sediments and storm events can help explain: How heterogenous the deposits of gravels, fine silts, sands, and cobbles are. How does this type of lithology affect the retainment or release of uranium in groundwater. (0083-3-8 [Navajo Nation Environmental Protection Agency])

**Comment:** The accumulation of sediments and storm events can help explain: How heterogenous the deposits of gravels, fine silts, sands, and cobbles are. How does this type of lithology affect the retainment or release of uranium in groundwater. (0083-3-10 [Navajo Nation Environmental Protection Agency])

**Comment:** E. If The Geology And Hydrology Studies In The EIS Are Current, Then Why Is The Contamination Plume Traveling From Zones 1-3 Left Out Of The Draft EIS? 41. The NNEPA has knowledge of a contamination plume in zones 1-3 from the UNC Mill site that has been documented as traveling in a NE trajectory -why haven't the monitoring wells required to survey the plume been put in to determine the cause and extent of this plume? 42. A current geology and hydrology study would have made mention of such a plume and the potential effects of such a project on the behavior of the plume- are we to assume that this was a simple oversight or that the NRC doesn't find it relevant to the EIS? (0083-31-1 [Navajo Nation Environmental Protection Agency])

**Comment:** E. If The Geology And Hydrology Studies In The EIS Are Current, Then Why Is The Contamination Plume Traveling From Zones 1-3 Left Out Of The Draft EIS? 43. Obtaining a combination of core logging and geophysical methods will provide detailed resolution of the subsurface through the southwest alluvium, zone 1, zone 3 and lenses of lithology type and their thicknesses. Why has this not been done prior to the Draft EIS? Abrupt changes in lithology can also be seen. Results of geophysical assessments can provide discernable groundwater movement and potential contaminant transport or contaminant concentrations with associated grain size (coarse to fine). Further, it can provide ideal well/monitoring well locations for a water investigation. Because of the decline in water elevations, what is to be said about the water quality and its movement and accumulated concentration with depth? How can the UNC expect to move forward on an EIS that does not include the proper hydrology studies that would answer questions like these? (0083-31-2 [Navajo Nation Environmental Protection Agency])

**Comment:** 44. Include the local cross sections of the project using local geology maps and well data. Indicate the hydrologic basins of the NECR mine site, i.e., San Juan Basin and the Puerco River Basin. Both basins show differential flow for shallow and deep aquifer systems. There is a lot of geologic description in text describing the higher resolution or regional geology. With the well data that is available from surrounding wells, include a potentiometric map to display both shallow and deep aquifer systems and their associated flow direction and movement within the local basin setting. Describe the area of influence the UNC historically had at the NECR site during dewatering and what the area of influence currently is. What is readily available for review and what can be prepared for in a separate water investigation of the NECR site or if this can be included in the groundwater correction action plan? (0083-31-3 [Navajo Nation Environmental Protection Agency])

**Comment:** 47. Without current and relevant ground water studies, how can the NRC conclude that the alternative described in the EIS is both safe for the neighboring wildlife and communities? (0083-32-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 48. There is lack of groundwater quality and well construction/log information for the UNC mill well and other potential/existing local groundwater wells (the 200 wells listed on 120). Although the UNC mill well is not a Navajo Nation well, it is a well that can provide much needed information about potential uses or monitoring of deep aquifer sources that are within the WWC. Why is this information not available for review prior to the Draft EIS? Although it is a uriferous aquifer, the geochemical red-ox state composition determines its overall water quality. Many wells on the Navajo Nation are drilled and screened into the WWC only and provides an excellent source of water that meets NNSDWA / NNPDWR MCL standards, including its high capacity to supply several communities. At what interface or area of influence is the WWC aquifer impacted negatively by the uranium mining that took place at the NECR mine site, as well as the Quivera site? As an accurate EIS cannot be completed without a study on this information, how does UNC propose to move forward? Groundwater is an important resource on the Navajo Nation and will be more so utilized to supplement the Navajo-Gallup Water Supply project plan or even provide a source for any Church Rock or local community developments and improvements. It seems to the NNEPA that the community and water developers have been scared into not using this water resource. Current and accurate information is needed on water quality and quantity to provide the Navajo Nation and the local community with answers to the questions they have on water. This Draft EIS should not move forward without a full accounting of this information. How can the UNC expect to move forward on an EIS that does not include the proper hydrology studies that would answer questions like these? (0083-32-2 [Navajo Nation Environmental Protection Agency])

**Comment:** 49. The Draft EIS indicates that over 200 monitoring wells were installed per NMED precursor for the UNC to understand groundwater contamination in the alluvium and zones 1 and 3. Are these monitoring wells still accessible for groundwater sampling? Stiff diagrams for each well would indicate any relative concentrations of major and minor cations and anions in the groundwater. Does this water quality data exist to prepare Stiff diagrams? This will help in understanding what wells show characteristic signs of contamination such as very high sodium and potassium, calcium, or chloride. Through these monitoring wells, has it been determined where uranium concentrations are higher-for example-above or below the water table? A study on cycling uranium between alluvial sediments (solid phase) and groundwater (dissolved phase) - through diffusion or oxic - and reduced water interfaces should be provided. How does this process change the concentrations from the acidic seepage to neutral? (0083-32-3 [Navajo Nation Environmental Protection Agency])

**Comment:** 56. One major concern is the stress of the underlying aquifer when water is needed at this project site as well as other mine site remediation activities happening all within a 15-mile radius over the next several years. There is also concern from the public of not having enough water after these projects use up the water. Furthermore, the potential for contaminants to travel when the pumping of water creates a void is an even larger and more significant concern. The Draft EIS has no reference to studies or even a basic understanding of the effects this remediation will cause to any of these concerns. How does the UNC propose to move forward without a hydrology study to give them a basic understanding of these problems? (0083-32-10 [Navajo Nation Environmental Protection Agency])

**Comment:** 84. The accumulation of sediments and storm events can help explain: How heterogeneous the deposits of gravels, fine silts, sands, and cobbles are, How does this type of

lithology affect the retainment or release of uranium in groundwater? Transitions between lithology types most likely can be observed through boring logs that would provide useful information on any abrupt changes in sediment deposition that occurred primarily through episodic fluvial deposition giving to what is currently ephemeral versus when the mine was active and dewatering from the WWC aquifer. During the dewatering and constant flow of water down Pipeline Arroyo, there was presumably sustained flow which can lead to a deposition of more gradually graded sediments. For further investigation, at what depth can this interface be found to understand infiltration rates and movement of contaminants through these sediment layers. How does this affect the lateral/vertical movement of shallow groundwater sources? (0083-35-4 [Navajo Nation Environmental Protection Agency])

**Comment:** 87. Why are there not graphs illustrating the ground water changes created by all 6 approaches, rather than just two? (0083-36-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 9, Section: Surface Water Quality, Document Page: 113, Paragraph: 3 As part of a further water investigation to thoroughly understand surface and ground water quality, provide additional information of lithology across the drainages of the site, which include the jetty area and pipeline arroyo. This would be to understand and to correlate the geochemistry with low and higher permeability of soils. For instance are there cycles within the sediment that undergo the storage and release of contaminants that may provide a source of uranium to the shallow alluvial aquifer? What processes are occurring in higher permeable soils with large pore spaces versus low-permeable sediments. This may help in understanding uranium's dynamic geochemical behavior in the accumulation/release of uranium through the arroyo wash, as well as, through the local shallow aquifers (alluvial, Zone 1 and Zone 3). (0083-4-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 10, Section: Floodplains, Document Page: 114, Paragraph: 3 As part of further investigation, conduct a geophysical logging event through existing and proposed monitoring wells completed in the flood plain. Geophysical methods are to include the well construction integrity, aquifer characteristics, fluid temperature and conductivity, including the radioactivity of material surrounding the well through gamma measurements. This information can be used to understand erosion and depositional activities, as well as, aggradation of the floodplain over time. This can be correlated with any geochemistry sampling as well. The geophysical aspect of the site can help determine less resistant flow paths and direction/movement of flow and any potential influence from namely the UNC well. Since there is no well log information from the UNC well, well screen intervals and lengths are unknown and the potential interference of proposed large capacity pumping activity should be confirmed or verified as an influence/not an influence. (0083-4-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 11, Section: Local Groundwater Sour, Document Page: 116, Paragraph: 4 With the information provided in text, provide this in a conceptual groundwater model at the local site to capture both basin hydrologic systems that flow north and west from the deeper aquifer system, as well as, southwest via the shallow aquifer system. (0083-4-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 12, Section: Groundwater Characteri, Document Page: 118, Paragraph: 2 Transitions between lithology types most likely can be observed through boring logs that would provide useful information on any abrupt changes in sediment deposition that occurred primarily through episodic fluvial deposition giving to what is currently ephemeral versus when the mine was active and dewatering from the WWC aquifer. During the dewatering and constant flow of water down pipeline arroyo, there was presumably sustained flow which lead to

a deposition of more gradually graded sediments. For further investigation, at what depth can this interface be found to understand infiltration rates and movement of contaminants through these sediment layers. How does this affect the lateral/vertical movement of shallow groundwater sources. (0083-4-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 13, Section: Groundwater Characteri, Document Page: 118, Paragraph: 5 For further investigation activities, obtaining a combination of core logging and geophysical methods will provide detailed resolution of the subsurface through the southwest alluvium, zone 1, zone 3 and lenses of lithology type and their thicknesses. Abrupt changes in lithology can also be seen. Results of geophysical assessments can provide discernable groundwater movement and potential contaminant transport or contaminant concentrations with associated grain size (coarse to fine). Further, it can provide ideal well/monitoring well locations for a water investigation. Because of the decline in water elevations, what is to be said about the water quality and its movement and accumulated concentration with depth. (0083-4-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 15, Section: Groundwater Quality, Document Page: 119, Paragraph: 5 There is lack of groundwater quality and well construction/log information for the UNC mill well and other potential/existing local groundwater wells (the 200 wells listed on 120). Although the UNC mill well is not a Navajo Nation well, it is a well that can provide much needed information about potential uses or monitoring of deep aquifer sources that are within the WWC. Although it is a uraniferous aquifer, the geochemical red-ox state composition determines its overall water quality. Many wells on the Navajo Nation are drilled and screened into the WWC only and provides an excellent source of water that meets NNSDWA / NNPDR MCL standards, including its high capacity to supply several communities. For further investigation, at what interface or area of influence is the WWC aquifer impacted negatively by the uranium mining that took place at the NECR mine site, as well as, the Quivera site? Groundwater is an important resource on the Navajo Nation and will be moreso utilized to supplement the Navajo-Gallup Water Supply project plan or even provide a source for any Church Rock or local community developments and improvements. The community and water developers have been scared into not using this water resource. Further investigation and information needed on water quality and quantity would provide the Navajo Nation and the local community an answer to the questions that they have on water. To further hold-off or avoid or set aside this subject matter will further frustrate the community members. (0083-4-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 16, Section: Local Groundwater Qual, Document Page: 120, Paragraph: 4-5 It indicates that over 200 monitoring wells were installed per NMED precursor for the UNC to understand groundwater contamination in the alluvium and zones 1 and 3. Are these monitoring wells still accessible for groundwater sampling? It would be interesting to prepare Stiff diagrams for each well and indicate any relative concentrations of major and minor cations and anions in the groundwater. Does this water quality data exist to prepare Stiff diagrams? This will help in understanding what wells show characteristic signs of contamination such as very high sodium and potassium, calcium, or chloride. Through, these monitoring wells, has it been determined where uranium concentrations are higher-for example- above or below the water table. Or as a result of cycling of uranium between alluvial sediments (solid phase) and groundwater (dissolved phase) through diffusion or oxic and reduced water interfaces could provide additional insight. As part of further investigation or explanation of the statement (last paragraph, 2nd sentence), how does this process change the concentrations from the acidic seepage to neutral? (0083-5-1 [Navajo Nation Environmental Protection Agency])



**Comment:** Comment Number: 17, Section: Proposed Action (Altern, Document Page: 214, Paragraph: last paragraph Wouldn't this be conjoined Upper Puerco River Basin/San Juan Basin instead of the Gallup groundwater basin? (0083-5-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 25, Section: General, Several "further investigations" are recommended in the above water comments by considering an evaluation of water resources, water quality, geochemistry, geophysical assessment, lithological red-ox systems, and boundary delineations, including cross-sections and potentiometric mapping. These are methodologies recommended to understand the flow, movement and direction of groundwater for both shallow and deep aquifer systems, as well as, the geochemical transport of uranium and other elements of concern that are a derivative of the NECR mine site activities. While structural and seismic influences may not be evident, geophysical techniques will help in providing additional insight on preferential pathways for groundwater flow and can aid in locating potential monitoring well site locations for site sampling to understand lateral and vertical uranium concentrations and transport. Could the USGS support/conduct a study that comprehensively characterizes the hydrogeological and monitoring approach of this site to capture any vulnerabilities of a disposal system with all considerations put forth in the technical descriptions of this site, as well as, conduct pilot project(s) to restore contaminated groundwater and prevent further migration of a contaminant plume through researched methods of a capture-media. (0083-6-8 [Navajo Nation Environmental Protection Agency])

#### **2.14.10 Water Resources - Evaporation Ponds**

**Comment:** I found the short term affects to be well thought through. Considering the area, you plan on dumping in I found the motion to monitor and correct ground water is mindful yet necessary. My only question referring to this groundwater would be, do these ponds have a connection to any nearby water supplies that could lead to further species damage, or drinking water contamination? This could negatively impact the surrounding Navajo Nation. (0014-2 [Bell, Xavier])

**Comment:** A resident asked about the ponds at the United Nuclear Mill Site, stating that she observed steam rising from the ponds and asking whether that means dangerous chemicals are rising into the air. She asked how she would know this is not a safe area - there is no barrier. (0097-7 [Community Member, Red Water Pond Road])

#### **2.14.11 Water Resources - Surface Water Quality**

**Comment:** The Gallaher and Cary (1986) and Delemos et al. (2008) studies suggest that although the water quality of surface waters in the area were impacted by the mining and milling activities in the area, the water quality impacts have lessened as uranium mining in the immediate vicinity has ceased and time has passed. However, both studies have limitations in their applicability: both studies are over 10 years old, and due to the ability of surface water quality in the area to change within that period of time, may not be representative of the current water quality conditions. Unfortunately, due to the difficulty and safety concerns of collecting new site-specific surface water samples (i.e., the intensity and infrequency of flow In Pipeline Arroyo), more recent and site-specific surface water quality data is not available. Therefore, there is some uncertainty as to the current surface water quality characteristics in the immediate vicinity of the proposed project area (EIS section 3.5.1.3). 94. This leaves an open question regarding surface water quality, as well as the impact of the proposed remedy on water quality in the future. Does the NRC not have a reliable surface water quality baseline from which to

compare to future water quality assessments? 95. If not, isn't this leaving the issue of impacts to surface water quality of the proposed action unanswered? (0083-36-4 [Navajo Nation Environmental Protection Agency])

**Comment:** 5. Surface water from the arroyo is ephemeral and therefore not used a lot for human consumption, but sometimes used for irrigation or livestock or ceremonial purposes. There isn't recent site-specific surface water quality data from the arroyo. (0094-1-17 [King, Susan])

**Comment:** Page: 3-22, Line: 23-24 Sentence: Since 1986, when mine operations ceased, Pipeline Arroyo has become an ephemeral stream again, flowing primarily in response to precipitation events. Comment: Are there flow measurements for upper/lower sections of Pipeline Arroyo? These data could provide some insight into what type of suspension/erosion/deposition capacity water in this arroyo would have. (0099-3-11 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Page: 3-26, Line: 37-40 Sentence: The Gallaher and Cary (1986) and Delemos et al. (2008) studies suggest that although the water quality of surface waters in the area were impacted by the mining and milling activities in the area, the water quality impacts have lessened as uranium mining in the immediate vicinity has ceased and time has passed. Comment: These studies would likely benefit from some updated water quality data. A lack of data about surface water quality is tantamount to a data gap. (0099-3-14 [Martinez-Silversmith, Lee Anna])

#### **2.14.12 Water Resources - Water Resource Impact Determinations**

**Comment:** Comment Number: 13, Section: 4, Document Page: pg. 4-19, Paragraph: 1 Impacts to surface waters would be SMALL; no it would be MODERATE. In the Southwest our water is vital and this is no minimal impact. It's a potential hazard to other areas and possibly the mine waste to be come a threat in future; not just during the construction but throughout the years of the license (1000 years). (0083-14-8 [Navajo Nation Environmental Protection Agency])

**Comment:** I guess groundwater, you're saying that you only have a small impact. I think that's the most important item that I have here, is groundwater. That's our livelihood for us, as human beings who use that area and for our livestock, our livelihoods, and the grass that grows there. (0096-20-1 [Lewis, Roger])

**Comment:** Document Page: Pg. 4-27, Section: 4.5.4.3, Comment Line: line 3, Paragraph: 1 Comment: SMALL: How is it considered small when a community cannot use the water. Where is the water going to come from for the community??? This actions should be considered LARGE! Water is important for any human, and should be considered a primary concern for this community while project is continuing or not. (0099-1-6 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-29, Section: 5.5.2, Comment Line: line 46, Paragraph: 4 Comment: SMALL: -comment- How can the NRC determine this to be a SMALL impact to groundwater, with all this information in the DEIS it definetly relevant to this is work is drastic to the groundwater, it should be categorized to LARGE. (0099-3-2 [Navajo Nation Environmental Protection Agency Superfund Program])

### **2.14.13 Water Resources - General Long-Term Impact Concerns**

**Comment:** Comment Number: 16, Section: 4, Document Page: pg. 4-25, Paragraph: 4 could reduce the potential future groundwater impact. -"COULD" key word, this could reduce, not it will or the science behind the engineering will prevent. Currently there is seepage with the existing cover, was the engineering at that time also termed "could"? (0083-15-8 [Navajo Nation Environmental Protection Agency])

**Comment:** Even after remediation, the waste rock and dumps and the three open pits (located south of the mine site) will act as a long - term source of contamination, having potential detrimental effects on surface and groundwater quality. (0083-26-10 [Navajo Nation Environmental Protection Agency])

### **2.15 Comments Concerning Ecology**

#### **2.15.1 Ecological Resources - Navajo Nation Department of Fish and Wildlife**

**Comment:** Comment Number: 23, Section: 3, Document Page: Pg.3-42, Paragraph: 3 Where is NNFW categorical exclusion documents in this DEIS; documentation from NNFW (0083-12-12 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 26, Section: 3, Document Page: Pg. 3-43, Paragraph: 2 was NNFW Protected Species of Concerned considered, seems as NMFW and NFW are the only government agencies referenced throughout, once NNFW is referenced in line 25 (0083-12-13 [Navajo Nation Environmental Protection Agency])

**Comment:** 133. Where is Navajo Nation Fish & Wildlife categorical exclusion documents in this Draft EIS or any documentation from Navajo Nation Fish & Wildlife? (0083-40-8 [Navajo Nation Environmental Protection Agency])

#### **2.15.2 Ecological Resources - Revegetation**

**Comment:** Comment Number: 6, Section: 4, Document Page: ", Paragraph: 1 until stabilizing vegetation is established- how? What type of seed mix will be implemented, who will implement the growth of this vegetation, as is the quivira mine has hardly any vegetation and much erosion to exposed soil surface. A magic seed? Has the resiliency been tested? (0083-13-12 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 42, Section: 4, Document Page: " ", Paragraph: 6 Seeding mix that emulates the native growth community to max resilience - has this been tested to verify that the resiliency will exist, when you look at vegetation at other areas that EPA or NRC has completed in the past, its not very effective, dry and very little succession with vegetative growth, more soil erosion present. (0083-14-3 [Navajo Nation Environmental Protection Agency])

**Comment:** 79. It is clear that a full understanding of restabilizing vegetation has not been reached. Where are the studies that can provide this information? With the consistent erosion to exposed soil surfaces, some level of rehabilitation will need to occur before plants can be established. Where are the studies that inform this problem? (0083-34-6 [Navajo Nation Environmental Protection Agency])

**Comment:** FWS is encouraged by the project's restoration and revegetation plan, which includes avoiding excessive soil disturbance, erosion control, soil amendments and mulching

where necessary, fencing to minimize grazing impacts, and utilizing a seed mix similar to the native vegetation community that includes drought-resistant plants. Additional description of the species composition to be included in the revegetation seed mix would be beneficial in assessing impacts of the proposed action. FWS recommends inclusion of pollinator-friendly nectar producing species within the native plant revegetation seed mix, to the extent possible. (0094-1-12 [King, Susan])

**Comment:** What post-monitoring efforts to be initiated to evaluate impacts and rate of recovery to vegetation being exposed to airborne substances? (0094-3-7 [King, Susan])

### **2.15.3 Ecological Resources - Comments on EIS Figures**

**Comment:** No: 22, Figure: 3.6-1, Comments: The Reclaimed area is what? What type tree or vegetation was replaced? Spell out INTERA in one of the maps (0083-24-7 [Navajo Nation Environmental Protection Agency])

### **2.15.4 Ecological Resources - Effects of Contaminants on Wildlife**

**Comment:** Airborne contaminants may be taken up by vegetation, some of which may be consumed by wildlife. Are wildlife going to be evaluated for chemical exposure? (0094-3-8 [King, Susan])

**Comment:** Document Page: pg. 4-31, Section: 4.6.1.1, Comment Line: line 4, Paragraph: 2  
Comment: Line implies: Wildlife contamination and impacts will be short term. -Comment- If wildlife is absorbing and consuming contamination it cannot be reverse or let alone treated. How will it be monitored for such wildlife or plant species?? Nothing in the context indicates this monitoring. (0099-2-1 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: Pg. 4-31, Section: 4.6.1.1 Comment: This section is about wildlife, but does not take into consideration domestic animals, that the Navajo People have within their communities, dogs, stray dogs, cats, sheep, cows, horses. (0099-2-2 [Navajo Nation Environmental Protection Agency Superfund Program])

### **2.15.5 Ecological Resources - EIS Analysis of Impacts on Wildlife Including Protected Species**

**Comment:** Also, the species will lose some habitat according to the construction plans and there needs to be an analysis for protected species in the area to ensure there is no incidental take during the process. (0019-3 [Davila, Valeria] [Murrieta, Ana] [Urcadez, Austin])

**Comment:** The DEIS indicates that there would be No Effect to federally listed or proposed species under the Endangered Species Act (ESA), or to any existing or proposed critical habitats. Overall impacts from the proposed action are projected in the DEIS to be Small for wildlife, and Moderate for vegetation. Supporting information for these determinations is cited as results from field surveys and review of documents regarding the proposed project site, and the short duration of the project (section 4.6, page 4-30). The Department recommends that in the FEIS the text note that if project monitoring, including monitoring of revegetation success (section 4.6.13, page 4-33), identifies any Federally listed or proposed threatened or endangered species that are found during the duration of the project or its post-closure monitoring period, NRC should coordinate with FWS regarding actions to ensure the continued survival of these species. The licensee has indicated its intent to implement wildlife protection measures including conducting bird nest surveys prior to the commencement of vegetation and mine

waste removal, and consulting with the New Mexico Department of Game and Fish, Navajo Nation Department of Fish and Wildlife, and BIA NRO if any nests are found (section 4.6.1.1., page 4-31). NRC and the licensee should also coordinate with FWS in these instances, particularly if survey results include protected bird species. (0094-1-11 [King, Susan])

**Comment:** The DEIS states that suitable habitat does not exist for threatened and endangered species. We recommend that the text include the definition of suitable habitat, the physical/biological variables that are being used to support this classification and which criteria are being used or have been developed to make the presumption that suitable habitat is available for displaced wildlife. (0094-3-6 [King, Susan])

**Comment:** And then, the ecology -- small wildlife -- it's extreme, no matter how you see it. And fall or in the summertime, we have elks that come down from the mountain, and then, we have deer all around the area. And then, we have bird life all around the area. And then, like I said, vegetations. (0096-20-2 [Lewis, Roger])

**Comment:** A person asked if the project proponent would take care to not disturb land areas containing trees, herbs, and other plants important to the community. (0097-3 [Community Member, Red Water Pond Road])

#### **2.15.6 Ecological Resources - Comments About the No-Action Alternative**

**Comment:** Document Page: Pg. 4-35, Section: 4.6.3, Comment Line: line 26-32, Paragraph: 3  
Comment: the lines, contradicts all which the EIS indicates, would be minimal to the Alternative 1. (0099-2-4 [Navajo Nation Environmental Protection Agency Superfund Program])

#### **2.15.7 Ecological Resources - Clarification Comments**

**Comment:** Section 4.6.1.1 Construction Impacts, page 4-31 lines 46-47 and page 4-32 lines 1-3: The New Mexico Department of Game and Fish (NMDGF) has suggested that ground disturbances and vegetation removal activities occur outside of the primary breeding season for migratory songbirds and raptors (March 1 through September 1), and that buffers be established around bird nests during construction. The Federal Wildlife Service (FWS) also recommends that construction activities occur outside the general bird nesting season from March through August. The NRC stated that "fewer nesting activities in the proposed project area would be affected" if these measures were implemented, but ultimately concluded that such measures would not alter the impact conclusions for the relevant ecological resources, stating they "would continue to be SMALL for wildlife and MODERATE for vegetative communities." For the sake of completeness, this discussion also should disclose the probable negative consequences of implementing seasonal work stoppage as an additional mitigation measure. Depending on the interpretation of construction activities, implementing these recommendations could halt all project activities for a 6-to 7-month period each year and increase the construction period to about 6 years, far greater than the 4-year period described in the DEIS. Extending the construction period by approximately 50% would likely produce a corresponding increase in overall construction impacts. Further implementation costs, project delays, and environmental impacts also may accrue due to the need to demobilize and then remobilize the construction activities on a seasonal basis. Therefore, UNC requests that the NRC add a sentence to page 3-42, line 6 to describe the potential adverse impacts associated with the NMDGF and FWS additional mitigation measures: "The limitation on certain construction activities during the primary breeding season could significantly increase the construction period and project costs, and increase overall construction related impacts." (0041-7 [Hauer, Lance])

**Comment:** Section 4.6.1.3 Closure Impacts, page 4-33, lines 10-11: On page 1.11, the DEIS explains that EPA identified Applicable or Relevant and Appropriate Requirements (ARARs) that would establish substantive requirements for implementation of the EPA CERCLA remedy. The DEIS identifies Table 1 of the 2013 ROD for EPA's CERCLA remedial action as the complete list of ARARs and describes with greater specificity certain ARARs that would apply to the proposed action. For example, EPA has identified as an ARAR the regulation of non-coal mining at New Mexico Administrative Code 37 (NMAC), which establishes requirements for mine reclamation and close-out plans at Sections 19.10.5.507A, 19.10.6.603.A and B, 19.10.6.603.C1 through 9, and 19.10.6.603.D through H. Table 1 of the 2013 ROD included NMSMCRA as a "to be considered" (TBC) requirement. TBCs are not ARARs and are not binding on the remedial action. In Section 4.6.1.3, the DEIS describes the closure activities, including reclamation and revegetation, that would occur as part of the proposed action and on page 4-33, lines 10-11, states that the EPA would ensure that UNC meets other requirements provided in the New Mexico Surface Mining Act Coal Mining Regulations. (NMSMCRA). This reference to the NMSMCRA is inconsistent with EPA's selected ARARs. Accordingly, UNC proposes that NRC revise page 4-33, lines 10-11 to replace the "New Mexico Surface Mining Act Coal Mining Regulations" with the "New Mexico Mining Act and regulations applicable to non-coal mining." (0041-8 [Hauer, Lance])

## **2.16 Comments Concerning Meteorology and Air Quality**

### **2.16.1 Meteorology and Air Quality - Baseline Conditions**

**Comment:** Comment Number: 15, Section: 3, Document Page: pg. 3-44, Paragraph: 3 Wind??? Why is that not referenced or included with this content of meteorology; we are going to have transport of potentially hazardous material load and moved, why was the wind not considered in this data? What time of the year would be ideal to handle this hazardous waste. (0083-12-14 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 24, Figure: 3.7-1, Comments: Why 4 Corners area, no data at the project site level. Why included San Juan county data? (0083-24-8 [Navajo Nation Environmental Protection Agency])

**Comment:** Missing. Maps that should be included for this project: A map showing wind direction, while earthmoving dirt, the wind will most likely carry the wind towards Pipeline Community area. (0083-25-8 [Navajo Nation Environmental Protection Agency])

**Comment:** Missing. Maps that should be included for this project: A map of annual rain fall or snow level in order to understand the level of moisture the project area receives. (0083-25-11 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 52, Section: 4.7.1.1, Document Page: N/A, Paragraph: N/A Please see Navajo Nation EPA air monitoring data for additional information. There maybe no data available for Eastern Navajo but the NNEPA Air Quality Control Program would have the latest information on baseline characterization of meteorological data. See [https://www.navajoepa.org/main/index.php?option=com\\_content&view=article&id=3&Itemid=170](https://www.navajoepa.org/main/index.php?option=com_content&view=article&id=3&Itemid=170) or contact Environmental Dept. Manager, Ms. Eugenia Quintana at [eugeniaquintana@navajo-nsn.gov](mailto:eugeniaquintana@navajo-nsn.gov) tel: (928) 871-7800 (0083-9-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Sec 3.7.2.1, Meteorology & Air Quality, Fig 3.7-1: Identification of National Park Units/Class I Areas Comments: Please clarify in this figure the nearest Class I area (Petrified Forest National Park), as well as other National Park units within the identified 50 mi radius that could potentially be affected by this project (Chaco Culture National Historic Park, Hubble Trading Post National Historic Site, and El Morro National Monument). (0094-2-16 [King, Susan])

**Comment:** Sec 3.7.2.1, Meteorology & Air Quality, p. 3-48, lines 7-14: Please clarify that although the nearest Class I area is Petrified Forest National Park, there are several other Federally managed units within the 50-mile radius of the project (listed in the comment above). (0094-2-17 [King, Susan])

**Comment:** Document Page: Air Quality General comment Comment: There are no ambient air monitoring stations that collect data (i.e., pollutant concentrations) used to assess compliance with NAAQS within McKinley County. Therefore, to support UNC's proposal, NMED staff provided INTERA with estimates of appropriate background concentrations for the proposed project area, which are included in EIS Table 3.7-2 (INTERA, 2018). (0099-4-5 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 3-46, Section: table 3.7-2, Comment Line: table/section, Paragraph: table and section Comment: Why are the pollutants for CO, NO<sub>2</sub>, SO<sub>2</sub> in ug/m<sup>3</sup>? The NAAQS table lists these pollutants in ppb, list the conversion factor below for reference. How does the table list both stationary and mobile sources as referenced in the text. (0099-4-10 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 3-46, Section: 3.7.2.1, Comment Line: line 18-23, Paragraph: 2 Comment: The table referenced in the text does not explain how the background concentrations were calculated, nor does the report detail how background concentrations were obtained. Data provided by NMED is not included in the report therefore it can not be validated. In addition, how does the data provided in the table include both stationary and mobile source emissions? How was this calculated? Given that GHG emissions from mobile sources is going to be a large emission source, in addition to any crushing, screening or equipment that will be utilized on site, the background emissions should be separated in order to demonstrate where the impact to the air coming from (mobile or stationary?) This will also help with any potential ARARs needed for the project, given that the NNEPA AQCP is in the process of obtaining delegation for a minor source permitting program. (0099-4-11 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: Pg. 5-33, Comment Line: line 1 Comment: Was tribal air quality data used in the key factors determination of MODERTE air quality when the air dispersion modeling protocol was developed by the licensee (0099-4-16 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-34, Section: 5.7 Air Quality, Comment Line: 8, Paragraph: 2 Comment: generate gaseous emissions at some level" tell what level? Give the actual data here or within a table, what are the "gaseous emissions" (0099-4-18 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-34, Section: 5.7 Air Quality, Comment Line: line 10-11, Paragraph: 2 Comment: it is actually "unclassifiable/attainment" update the reference and cite the CFR granting this specific air shed, which it will be done by county as it is designated. (0099-4-19 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-34, Section: 5.7 Air Quality, Comment Line: lines 12-17, Paragraph: 2 Comment: EPA designating the area as in attainment, which it is actually "unclassifiable/attainment" does not mean that the overall impact of the project will be minimal. The section does not provide any statistical evaluation or modeling to make this assessment. This statement needs to be proven by an evaluation, monitoring data, modeling, etc. strike this statement or include the data necessary to make this conclusion. (0099-5-1 [Navajo Nation Environmental Protection Agency Superfund Program])

## **2.16.2 Meteorology and Air Quality - Monitoring and Mitigation**

**Comment:** Another possible mitigation you may consider adding to Table 6-3-1 in the section of air quality could be to pre-prepare the areas that will most likely cause the most dust (roads, construction areas etc.) what a water mist topping to potentially mitigate further sedimentation from going into the atmosphere. (0014-3 [Bell, Xavier])

**Comment:** Air Quality The UNC has identified mitigation measures for each resource area, including air quality, in Table 6.3-1. Mitigation measures for air quality include the use of diesel construction equipment with tier 3 engines and conveyor belt generators with tier 4 engines (pg. 6-7). Recommendation: Please include a mitigation measure that nonroad engines should be certified to be in compliance with the EPA Tier 4 regulations found at 40 CFR Parts 89 and 1039, which include new and in-use nonroad compression-ignition engines. (0040-5 [Prijatelj, Jean])

**Comment:** Table 4.7-1 Mitigation Incorporated into the Proposed Action's Estimated Air Emission Levels, page 4-37: This table appears to be extracted from an addendum to the Supplemental Environmental Report (INTERA, 2018) that describes additional air quality modeling completed by Trinity (Trinity, 2020). This table was designed to show the control efficiency assigned to a source when a mitigation measure was chosen for that source. By copying this table alone into the DEIS, important context has been lost. The line "Stockpiles - Covering Stockpiles" could suggest that all stockpiles are covered. For clarity, UNC proposes the addition of the following footnote: "The modeling analysis only assumed stockpile SP1 was being covered during implementation of the action (Trinity 2020)." (0041-9 [Hauer, Lance])

**Comment:** Table 6.3-1 Summary of Mitigation Measures Proposed by UNC (cont.), Air Quality, page 6-7: "Suppress fugitive dust at stockpiles by covering them" is specified as a proposed mitigation measure. UNC proposed the covering of piles during construction as represented on Page 2-11, Lines 21-24. For the air dispersion modeling analysis, only stockpile SP1 was assumed to be covered. The referenced language should be modified as follows: "Suppress fugitive dust at stockpile SP1 by covering it." (0041-12 [Hauer, Lance])

**Comment:** Nor is there an acceptable plan for mitigation of dust or wind-blown contamination. The application of "light water sprays is not sufficient for the control of dust - which has the potential to contain numerous and considerable hazards given the higher criteria of radiological material permissible on the site. (0083-1-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 32, Section: 2, Document Page: pg.2-16, Paragraph: 4 Will work proceed when days of wind are high? How will UNC control and contain? (0083-10-10 [Navajo Nation Environmental Protection Agency])

**Comment:** During windy conditions, mine waste dust would be controlled with light water sprays; however, large volumes of water that may result in runoff would not be used {EIS section 4.4.1.2). 65. Will work proceed when days of wind are high? How will UNC control and



contain it? 66. Does the UNC actually believe that "light water sprays" will be sufficient to address the prolonged dust clouds created by wind and the multitude of trucks and heavy equipment? 67. Should we take the UNC's word that light water sprays will keep the nearby communities safe? 68. If light water sprays are not enough to control the dust and large volumes of water may result in runoff and cannot be used, then what is plan B? Is the intent to make the RWPRC endure dust contamination for 5 years until the remedial action is finished? (0083-33-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 32, Section: , Document Page: N/A, Paragraph: N/A Is it possible and has NRC evaluated paving the roads to reduce the amount of water used during the course of 4 years, and to reduce the amount of dust kicked up by truck as the project is carried out. (0083-7-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Meteorology & Air Quality p.3-45, lines 26-27: Reference is made to the Navajo Nation EPA (NNEPA) Air Quality standards; how will they be used at the project. What air quality mitigations will be utilized during operations? (0094-2-15 [King, Susan])

**Comment:** Sec 4.7.1 1, Table 4.7-1: Please identify where the control efficiencies noted in this table come from. Identify the control efficiencies for the diesel construction equipment and generator for Alternative 1A. It is unclear if and when all of these mitigation options will be applied, particularly in connection with the Dust Control and Mitigation Plan. State if a base course (graveling) be used on all the haul/access roads, since the short-term modeled PM10 concentrations are high. (0094-2-19 [King, Susan])

**Comment:** Sec 4.7.1, pp.14-38, lines 1-16: Mitigation measures that will be taken because of the high short-term PM10 and 1-hr NOx modeling results should be clarified. Questions should be answered such as:

- \*Will there also be a NO2 monitor installed due to the modeled high NOx values?
- \* What NOx mitigation measures will be taken to ensure there will not be any NAAQS violations?
- \* What additional PM10 mitigation measures will be taken if unacceptable monitoring results are noted?
- \* Will UNC be reporting monitoring levels to an oversight agency regularly?
- \* If so, how often?
- \* We note that the Radiation Safety Officer will review levels, but an agency should be provided the data for review and also an opportunity to ensure the monitoring equipment is operating properly to gather accurate data. (0094-3-1 [King, Susan])

**Comment:** Sec 6.3 Table 6.3-1: Additional mitigation measures should be evaluated that will reduce PM10 and NOx impacts, including halting activities when wind speeds are great than 25-30 mph, watering or treating active portions of stockpiles a minimum of two times a day, providing a more robust and specific chemical stabilizer plan, enclosing transfer points, and watering or treating all exposed areas an ancillary points. With the high modeled NOx concentrations, an NO2 monitor is also warranted, particularly if the area(s) of highest modeled impact are close to residents. (0094-3-4 [King, Susan])

**Comment:** And it's hard to maintain dirt roads with trucks constantly. You know, you have to keep that road watered at all times. Like Alfred was saying, you know, all that silica dust in the air, that is -- healthwise, you know, breathing it in, it's not too good. So, that's my concern. (0096-19-2 [Leslie, Sibert])

**Comment:** When they start construction, hauling this waste material, what's the chances of them putting up an air monitor or air station in the Rio Lobo Canyon area, maybe a couple of stations to determine how much dust we're getting downwind from the construction? (0096-23-1 [Murphy, Alfred])

**Comment:** Being the Pipeline Community, you know, like they had mentioned, there hasn't really been much involvement with them since 2011 or 2009, and they're not on the mapping. Would there be room to amend that, if that monitoring station is not within the vicinity of the Pipeline Community? Is anybody on from U.S. EPA to speak to that? (0096-24-1 [Pipeline Road Community Member/Anonymous])

**Comment:** Document Page: pg. 5-34, Comment Line: lines 22-23, Paragraph: 3 Comment: Opacity monitoring should be considered at any point source emissions location, roads, piles, etc. The opacity should not go above 15-20%. (0099-5-2 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg 7-1, Section: 7.2 Radiological Monitoring and Reporting, Comment Line: section Comment: The monitoring should also provide for the residents who live within 1/4 of a mile to receive indoor air monitoring for a period of time. Indoor monitoring should include PM and radon. The ambient air monitoring occurring should also assess for COPCs in the ambient air, as well as heavy metals. (0099-5-3 [Navajo Nation Environmental Protection Agency Superfund Program])

### **2.16.3 Meteorology and Air Quality - Impacts**

**Comment:** Sec 4.7.2, Table 4.7-4 and 4.7-5: The modeling results need to be consistent for the proposed action, regardless of if the results are high. If the maximum concentration is not used, please cite guidance for the result used. (0094-3-2 [King, Susan])

**Comment:** And we live, the community is east, the Pipeline Community is east of that tailings area. And during the spring and during the fall, the wind's always blowing toward us, toward our community. So, as a community, as a member, I don't think burying this waste on top of what's already there is a good idea. (0096-1-2 [Murphy, Alfred])

**Comment:** Because, like my brother Alfred said, you know, we lived there all our lives, and breathing just daily. Every day we breathe it. It don't seem like you don't breathe it, but at night you can see all these particles in the air. Breathing this stuff daily every day, sleeping with it daily. (0096-3-4 [Leslie, Sibert])

**Comment:** Also, I would like to mention I know that last -- they mentioned it was -- you guys are just talking about with the site boundary, but the environmental impact on us, the air, the quality of the air blowing toward Pipeline Road Community, that's what's really concerning us. I know they'll be working right there in the mill area. But, through all these years, all that contamination is blowing toward our residents. Our family, our land, our livestock, they're all priceless. (0096-33-1 [Murphy, Alfred])

**Comment:** A few people noted that the area is windy and that dust poses a hazard to nearby residents. (0097-5 [Community Member, Red Water Pond Road])

**Comment:** Document Page: pg. 2-18, Section: "2.2.1.6 Emissions, Effluents, and Solid Waste", Comment Line: line 6, Paragraph: 1 Comment: List the "combustion emissions" in reference to the NAAQS pollutants, or CAA applicable criteria pollutant so that they can be used to

determine any impacts to the air shed. Make this change to the entire report. Where ever there is a reference to the air quality impacted by the proposed alternatives, ensure that the pollutant that will be impacted can be related to the applicable Clean Air Act requirement. Meaning, NAAQS, or HAPS , etc. Was there a visibility impact conducted? It is not mentioned in this section. (0099-4-6 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-32, Section: 5.7 Air Quality, Comment Line: 30, Paragraph: 1 Comment: "The NRC staff assess the cumulative impacts on air quality within an 80-km radius" Where is this 80 km radius assessment referring too? What is the regulatory applicable requirement of the assessment of air quality? List the applicable environmental act or requirement that governs the evaluation. The CAA has various requirements in the evaluation of applicable impacts? what is the impact to visibility to national park? (0099-4-14 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-32, Section: 5.7 Air Quality, Comment Line: 35-37, Paragraph: 1 Comment: "The NRC staff selected this air quality study area in order to 36 consider areas beyond the Four Corners Interstate ACQR since the proposed project area would 37 be located about 29.8 km [18.5 mi] from the AQCR boundary." The section and the air quality region that was selected does not adequately reflect the impacted area. The boundary should be more reflective of the site. How was the assessment conducted. The section lacks the statistical analysis of the impacts to air quality. Other assessments of PM such as opacity is not mentioned. This will be a major concern of the community if earthen moving activity is to take place. Update this section to include an impact on opacity. (0099-4-15 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-33, Section: 5.7 Air Quality, Comment Line: 4, Paragraph: 1 Comment: "MODERATE" the impact of the proposed project will be moderate, what does this mean? Are you referring to the Air Quality Index? The AQI is intended to tell a person how the ambient air will impact their health, so that sensitive populations can be protected. It is not used to determine the impact a project will have on the overall air quality or NAAQS. The section needs to utilize a different term to detail the effect that this project will have on the air quality/NAAQS. Furthermore, if the intent is to reference the project to the AQI, if from 2019 to 2030 the overall impact that this project will have to the air quality/NAAQS is going to have a daily reading of moderate in reference to the AQI, the proposed project is going to significantly negatively impact air quality and additional mitigation methods need to take place. (0099-4-17 [Navajo Nation Environmental Protection Agency Superfund Program])

#### **2.16.4 Meteorology and Air Quality - Air Permitting, Regulations, and ARARs**

**Comment:** Document Page: pg. 2-18, Section: Table 2.2-1, Comment Line: table/section, Paragraph: table and section Comment: the evaluation of the pollutants listed in section 2.2-1 does not adequately allow for the reader to understand the emissions on a yearly basis. Providing the overall TPY for each section of the project is not an adequate way for regulators to assess ARAR applicability of the CAA or the Navajo Nation CAA for the project. Permitting requirements under the CAA are categorized by TPY of an actual vs. potential. In addition, the section does not detail any of the emission generating sources that will be on site. This needs to be listed in the report in order for an adequate calculation of PTE for the project. The section does not adequately detail the statistical evaluation needed to check the PTE for the project. Provide the NNEPA with the necessary source listing to calculate the PTE for each alternative, and the modeling tools used to compare the data to the NAAQS. (0099-4-7 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 3-45, Section: 3.7.2.1 Air Quality, Comment Line: line 21, Paragraph: 1 Comment: rephrase to ""States and Tribes may develop standards that are stricter..." (0099-4-8 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 3-45, Section: 3.7.2.1 Air Quality, Comment Line: Line 25-27, Paragraph: 1 Comment: The Navajo Nation has Treatment as a State for an Section 105 CAA Monitoring Program and monitors for information purposes only. In addition the Navajo Nation has a Part 71 Title V Operating Permit Program. Add reference to the NNEPA CAA regulatory programs to this section. Tribes have the authority to implement CAA programs in a modular approach depending on the needs of the Tribe. (0099-4-9 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Section: 3.7.2.1, Comment Line: Lines 7-14, Paragraph: 2 Comment: The applicability should also include an evaluation of all applicable tribe regulations under the NNCAA. In addition, a applicability evaluation of the New Source Review - for minor sources should also be evaluated. Lastly, given that the site is on State land and also Navajo Nation land, how will the applicable ARARs be enforced? This is important for the Navajo Nation given its robust air quality program. Tribal authority should be recognized and enforced and evaluated in this EIS. It is lacking this evaluation. (0099-4-12 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Section: 3.7.2.1, Comment Line: section Comment: The current section of the CAA permitting requirements and is poor. Each proposed action should be evaluated for its applicable ARARs. The report needs to re-evaluate the PTE each proposed action and convey those emissions in the EIS in order to justify each permitting requirement for an ARAR. The current display of emissions is hard to understand and it is not clear how from a regulatory stand point how to determine necessary CAA requirement for each proposed action. (0099-4-13 [Navajo Nation Environmental Protection Agency Superfund Program])

## **2.17 Comments Concerning Climate Change**

### **2.17.1 Climate Change - Impacts on the Proposed Project**

**Comment:** Ultimately, the NRC's analysis does not meaningfully address how climate change will impact flooding in a semi-arid environment. According to research by the United States Geological Survey ("USGS"), decreased precipitation and increased storm intensity affect dryland drainage basins, such as those in the Community, in surprising ways. For example, in a community in Arizona, flood control levees engineered to contain 100 year floods were overtopped in 1993, 1995 and 2004 by floods well below the 100 year flood level. United States Geological Survey, A Dryland River Transformed - The Little Colorado - 1936-2010, Factsheet 2011-3099 at 1-2 (Nov. 2011) ("USGS Factsheet"). (0072-1-13 [Jantz, Eric])

**Comment:** Fourth, the use of climate data from a site in Gallup, 15 miles away from the tailings impoundment, is not reflective of the actual weather conditions that can be expected in the area that will impact the Pipeline Arroyo drainage system. This canyon is prone to intense, short-term precipitation events leading to floods that have been common in the Pipeline Arroyo for over 20 years. The DEIS should have reviewed local, accurate climate data to determine the effects of flash flooding in this area on the Arroyo. This is especially important because the trend toward a hotter and drier climate on the Navajo Nation could result in even more intense flood events, increasing the power of these storms to erode the area. (0072-1-17 [Jantz, Eric])

**Comment:** The DEIS should consider the impacts of the intensity of runoff in this streambed amid more arid conditions that are a result of climate change. (0072-1-18 [Jantz, Eric])

**Comment:** Comment Number: 3.7.11, Section: 3, Document Page: pg. 3-44, Paragraph: N/A Meteorology; How is the inconsistent weather being taken into approach for the future clean up? That is not included in this section 3.7 (0083-12-11 [Navajo Nation Environmental Protection Agency])

**Comment:** 19. Has global warming had a negative effect on the projected length of tailings containment? (0083-29-6 [Navajo Nation Environmental Protection Agency])

**Comment:** 86. Are the effects of climate change a factor in these designs? (0083-35-6 [Navajo Nation Environmental Protection Agency])

**Comment:** 97. How have climate change effects been accounted for, especially over the next 1,000 years? (0083-37-2 [Navajo Nation Environmental Protection Agency])

## **2.18 Comments Concerning Noise**

### **2.18.1 Noise - General**

**Comment:** Section 4.8.1.1 Construction Impacts, page 4-44, lines 22 to 24: The DEIS states that "Construction would operate a total of 7 hours a day, with most of the activities occurring during weekday daylight hours (INTERA, 2018); however, construction could occur during weekends, if necessary." It appears that this reference to (INTERA, 2018) may be referring to the following statement related to noise impacts: "Noise impacts are presented as 1-hour energy equivalent sound levels (Leq). Since the facility will operate a total of 7 hours during the daytime only, day-night average sound levels (Ldn) were not reported/used (INTERA, 2018). The 7-hour period referenced in the quoted language pertains only to the estimated operational time of 30-cubic yard articulated trucks hauling mine waste (See Section 4.8-Schedule of the License Amendment Request (Stantec, 2018)) during a typical 8-hour shift for construction personnel that was assumed in support of a noise analysis. There was no intention to imply any reduction to a standard 8-hour work shift. For example, INTERA (2018) states in Section 4.12.1.1.7 on page 189 "Assuming a standard 8-hour workday, a construction worker will be onsite 2,000 hours/year during the removal activities." In addition, page 3-1 of the 95% Design (Stantec, 2018) states "Construction hours are based on five 8-hour shifts per week based on dust control water limitations discussed in Appendix Q and an assumption that a Construction Contractor would elect to conduct the work without the use of labor overtime." Accordingly, the sentence at page 4-44, lines 22-23 should state as follows: "Construction would operate a total of 8 hours a day, with most of the activities occurring during weekday daylight hours (INTERA, 2018); however, construction could occur during weekends, if necessary." In addition, the NRC should remove "Limit construction to 7 hours a day, during the daytime only, and to weekdays whenever possible" in Table 6.3-1 at page 6-7 because UNC did not propose this mitigation measure. (0041-10 [Hauer, Lance])

**Comment:** Comment Number: 17, Section: Table ES-1, Document Page: XX, Paragraph: Noise, all columns Navajo rural areas are typically undisturbed by loud noise, typically these areas are very quiet. The noise of passing trucks and the associated project activity hours throughout each day will be very noticeable, it could be described as disturbing and loud. To state noise will be undetectable or minor, is an untrue conjecture. The noise would be noticeable, and the noise should be re-evaluated to a "MODERATE to LARGE" rating, considering the current noise level in the area. (0083-20-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 29, Section: 4.8, Document Page: N/A, Paragraph: Noise Impacts Navajo Rural areas are typically undisturbed by any extreme loud noise, such as those described in this section. These noises will be very noticeable and could possibly even be loud enough to be heard in a greater radius. Other concerns are livestock, extremely loud and uncommon noise can stress livestock. (0083-22-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 30, Section: 4.8.2, Document Page: 4-46, 4.-47, Paragraph: N/A ARARs? Contact the Navajo Nation OSHA on the regulations in place for noise at worksites. (0083-22-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 32, Section: 5.8, Document Page: 5.37, Paragraph: N/A Navajo Rural areas are typically undisturbed by any extreme loud noise, such as those described in this section. These noises will be very noticeable and could possibly even be loud enough to be heard in a greater radius. Other concerns are livestock, extremely loud and uncommon noise can stress livestock. (0083-22-5 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 35, Figure: 4.8-1, Comments: Most of the noise will be on the Pipeline Road resident since RWPRC will be temporary moved out of the area (0083-25-2 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 36, Figure: 4.8-2, Comments: Same map as previous one, what is the difference? (0083-25-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 29, Section: N/A, Document Page: Table ES-1, Paragraph: Noise, all columns Rural areas are quite. The sound of trucks passing and project activities will be pretty disturbing and loud. To say that the noise will be "SMALL" across all alternatives, and to say that the noise will be undetectable or so minor that it will not be noticeable is untrue. The noise would be noticeable, and the noise should be re-evaluated to a "MODERATE" rating. (0083-7-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 53, Section: 4.8, Document Page: N/A, Paragraph: N/A Rural areas are quite. The sound of trucks passing and project activities will most likely be loud to local residents. The noise will be detectable and noticeable. Most likely, this project will disturb residents within a three mile radius. Again, rural areas are quite. Noises such as a vehicle passing by 1.5 miles away can be heard. The other concern is grazing. Herding sheep in a noisy area can be difficult. Sheep and other livestock are sensitive to noise and can become unpredictable due to their sensitivity to the sound and movements. (0083-9-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 54, Section: 4.8.2, Document Page: N/A, Paragraph: N/A Although NNEPA do not have ordinances or regulations that govern noise, the Navajo Nation OSHA have regulations in place for noise at worksites. (0083-9-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 57, Section: 5.8, Document Page: N/A, Paragraph: N/A Rural areas are quite. The sound of trucks passing and project activities will most likely be loud to local residents. The noise will be detectable and noticeable. Most likely, this project will disturb residents within a three mile radius. Again, rural areas are quite. Noises such as a vehicle passing by 1.5 miles away can be heard. The other concern is grazing. Herding sheep in a noisy area can be difficult. Sheep and other livestock are sensitive to noise and can become

unpredictable due to their sensitivity to the sound and movements. (0083-9-8 [Navajo Nation Environmental Protection Agency])

**Comment:** p. 3-50: Noise levels during the operational 7-hour work day are of concern. State how will the noise levels be monitored for the residents that live nearby during operations. (0094-2-18 [King, Susan])

**Comment:** And also, on the noise, we still used to hear it over there where they say it's not noisy, the noise don't go that far, we still can hear it. Especially when it rains, you can hear the noise. We can still hear the train from here on up there. It's about 15 miles away. We can still hear the train. So, the noise is right there. But, once we're told that's what it is, and we'll just accept it, the working crew making that noise. (0096-34-2 [Pipeline Road Community Member/Anonymous])

## **2.19 Comments Concerning Historic and Cultural Resources**

### **2.19.1 Historic and Cultural Resources - Concerns About Impacts to Historic Sites**

**Comment:** Five places that are eligible for listings on the National Historic Register -- on the National Register of Historic Places, I mean, that alone should stop you from trying to create a bigger problem. And if one of those sites is on the mill site, then you definitely should not approve this plan. But knowing there's four of those sites on the Northeast Church Rock Mine site, that deserves a lot of attention and scrutiny in how the cleanup is done so those cultural properties and resources are not harmed and impacted. (0001-4-17 [Morgan, Leona])

**Comment:** Make sure cleanup does not harm any cultural resources, including the 5 identified sites recommended as eligible for the National Register Historic Places (0007-4 [Anonymous, Jamie])

**Comment:** these are all concerns and they're very valid concerns. I want to express the fact that, too, that we have a lot of cultural sacred landscapes within that area and surrounding it, and that has to be considered at all times. There's a balance that needs to be held with us Native people and that's something that non- Native people will never understand, and that's what my relatives have been trying to highlight this evening. And so this goes back to our core values of Dine people and our cultural identity, and so I just really want to appreciate everybody who spoke up this evening. (0024-19-9 [Boyd, Talia])

**Comment:** The proposal published in the Gallup Independent stated that "culture" was involved in the drafting. What did the Native American Spiritual say about the need for appeasement in return for atrocities caused Mother Earth to cause the hazardous trash to be here? (0053-3 [Vicente, Dan])

**Comment:** No: 25, Figure: 3.9-1, Comments: What the point of any Cultural and Archaeological investigations when it was disturbed & mine. It should've been done pre-1974 (0083-24-9 [Navajo Nation Environmental Protection Agency])

**Comment:** M. Why Have The UNC/NRC Not Given Any Weight To The Cultural And Religious Implications And Impacts? The NRC staff concludes that further adverse impacts to historic and cultural resources from the proposed action and two secondary alternatives could be mitigated by finalizing and implementing a Programmatic Agreement for the management of these resources with the EPA, New Mexico State Historic Preservation Office, and the Navajo Nation Tribal Historic Preservation Office (EIS Executive Summary xxiii). 113. Why has the NRC not

followed through with their plan to implement a Programmatic Agreement with the EPA, New Mexico State Historic Preservation Office, and the Navajo Nation Tribal Historic Preservation Office? (0083-38-10 [Navajo Nation Environmental Protection Agency])

**Comment:** Although the BLM has identified that there are no high-quality scenic views in the area, the surrounding visual and scenic landscape may have cultural and religious significance to the Navajo Nation that is not considered in the BLM VRM evaluation (EIS section 5.10). 115. Just stating that the land "may" have cultural or religious significance to the Navajo Nation does not address the issue. How was it considered by NRC in the EIS? (0083-39-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Sec 6.3 Table 6.3-1: Please insert language in the Proposed Mitigation Measures column consistent with the Navajo Nation's inadvertent discovery plan for discoveries on Navajo Nation trust lands (under Disturbance of Prehistoric Sites and Sites Eligible for Listing). (0094-3-5 [King, Susan])

**Comment:** Sec 6.3-1, Table 6.31: The Navajo Nation has an inadvertent discovery plan to be used should ground disturbance and removal reveal cultural resources, and it should be referenced here. (0094-3-9 [King, Susan])

**Comment:** On this site location that you're talking about, that the elders that were living there at one time, they're saying that it's private land right where the UNC land is, that mill site, this whole site there. There were elders. There were medicine men, six of them. They all were medicine people in that area right there, right where the mill is, the mill site itself. And if you guys know and realize what we are as, The Nav People, who we are as The Nav People. That site, this site that is located there, there were a lot of ceremonials done in this area right where it's at. There were Yeibitchai Dances. There were Fire Dances in the wintertime. Those are fall and wintertime ceremonials. And summertime, they call in Dah (phonetic). Different ceremonies were done in that area, right in that specific area. And if you don't know what that mill, that dam busted back in 1979, to me, that's a big part of what happened in that area. A lot of prayers; a lot of healing was done in that area. Just to give you guys heads-up on this area here, a lot was done there. Even that mesa that sits right in that area, that sits alone, when Kit Carson was rounding up all them people, there's only one way up, in and out, on that east side of that mesa. A lot of our people hid in that area on that mesa. So, a lot of prayers were done in that area also, and there was a nice red peak in that area at one time. A lot of ceremonies were done there, too, also -- if you don't realize and know. (0096-12-1 [Leslie, Sibert])

**Comment:** And then, we have sacred sites all over the place, and herbal items that we collect. They're all round there, and it's extreme, that historic and cultural things. These are extremely highly sensitive and extreme things that we use, we do; we like to have every year, singings and large gatherings of our ceremonial activities that we have through all the three seasons that we use, the Navajo. And everything, it's going to impact the whole place, no matter how you see it, even the roadways; you know, everything. (0096-20-3 [Lewis, Roger])

**Comment:** I just want to know, you have four sites on the mine site that considered historic and cultural, and one site on the mill site. And I'd just like to state that you said that you all had made a comprehensive effort when all these things -- cultural and historic resource sites. And I'd like to know who was the one that said there were four sites? Who's the one person or persons that said, "Here is one, and two, and three, and four," and then, one on the mill site? Was it through the Red Water Pond Community members or who's the one that said these sites were culturally and historically sensitive? (0096-31-1 [Lewis, Roger])



**Comment:** And then, on the Anasazi, we have a few areas up in our area, the (not understandable) Canyon area, where there are artifacts scattered, and then, there are leaves to make herbal medicines, and things like that, odd and unusual -- (native language spoken). (0096-31-2 [Lewis, Roger])

**Comment:** He says, "There are places in the Pipeline Arroyo area that are sites such as those of herbal gathering, sacred offering sites, and rock and rock caves where you find Anasazi habilitation. If these were done comprehensively, everything should be comprehensively done as well as discussed before we move on." (0096-31-3 [Lewis, Roger])

**Comment:** One person stated she does not want Navajo Nation historic resources to be harmed and expressed concerns about potential damage to her home by earth-moving activities involving heavy machinery. This person stated she does not want her residence to be harmed again. She asked how this would affect local people and who would be responsible if damage were to occur. (0097-13 [Community Member, Red Water Pond Road])

**Comment:** Document Page: pg. 4-49, Section: 4.9.1.1, Comment Line: line 26-32, Paragraph: 2 Comment: What about the assessments where the Navajo Medicine men did their prayer offerings. The yei-bei chei ceremonial grounds, fire dance ceremonial grounds, and naa'daa ceremonial grounds. It doesn't appear these cultural areas were notated or a concerning factor to the evaluation in this section. (0099-2-7 [Navajo Nation Environmental Protection Agency Superfund Program])

## **2.19.2 Historic and Cultural Resources - Culturally Important Plants**

**Comment:** Comment Number: 51, Section: 4.6.2, Document Page: N/A, Paragraph: N/A There are many plants that are considered sacred and are used to in traditional ceremonies or consumed as part of religious practices, and some are consumed for medicinal purposes. Navajo Nation Division of Natural Resources Department of Fish and Wildlife have the Navajo Endangered Species List. See link [https://www.nndfw.org/nnhp/nnhp\\_nesl.pdf](https://www.nndfw.org/nnhp/nnhp_nesl.pdf) and <https://www.nndfw.org/nnhp/tracking.pdf> for the list of plants. There is a larger list of plants but due to cultural confidentiality, that list is not shared with the public. (0083-9-2 [Navajo Nation Environmental Protection Agency])

## **2.19.3 Historic and Cultural Resources - Tribal Ceremonies and Cultural Practices**

**Comment:** Historic and Cultural Resources, Disturbance of Prehistoric Archaeological Sites, Cultural Sites, and Sites Eligible for Listing on the National Register of Historic Places (NRHP) - Mitigate impacts to Navajo culture by allowing communities near the project area to hold culturally important or sacred ceremonies by their medicine men prior to land disturbance (0038-2-2 [Baheshone, Nona])

**Comment:** Comment Number: 34, Section: Table 6.32, Document Page: N/A, Paragraph: N/A In coordination with NNEPA, NRC staff can follow through on ceremonies for the community. (0083-22-6 [Navajo Nation Environmental Protection Agency])

**Comment:** 118. The fact that Navajo tradition such as, a medicine man conducting ceremonies before implementation of remedial action, have not been included in the Draft EIS is further proof that the cultural impacts of this action have not been properly considered. How does the UNC propose to remedy this without a full partnership with the Navajo Nation? (0083-39-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 37, Section: All Alternatives, Document Page: N/A, Paragraph: N/A Allow communities near the mine site to have a medicine man conduct ceremonies of their choosing by their medicine men before implementing any of the alternatives. This should a first step before any earthwork. (0083-7-9 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 60, Section: Table 6.32, Document Page: N/A, Paragraph: N/A In coordination with NNEPA, NRC staff can follow through on ceremonies for the community. (0083-9-13 [Navajo Nation Environmental Protection Agency])

**Comment:** Potential Opportunities to Incorporate Cultural Values Chapter 1 of the DEIS says that during EIS Scoping, NRC received comments that suggested specific actions or practices "to mitigate further impacts to Navajo culture, including holding culturally important or sacred ceremonies." In Chapter 4, under Cultural Resources, the DEIS states that holding these ceremonies prior to land disturbance is beyond NRC's regulatory authority. The Department does not know what constraints NRC regulations place on what NRC is able to do, and where, in regard to land disturbance. The Department recommends that in developing their final EIS (FEIS), NRC considers what ways, if any, culturally important or sacred ceremonies could be incorporated within those constraints. The Department would be pleased to share some examples of where these kinds of Tribal ceremonies have been integrated into various projects. It may be possible by NRC's working with the Navajo people about how they practice their culture and describing NRC constraints, there might be creative solutions that fit within regulatory limits and mitigate adverse Navajo culture impacts that could be identified in the FEIS. NRC may want to consider other ways to integrate Navajo cultural values in its interactions with the Navajo communities that could be presented in the FEIS. An example would be, if NRC has not already done so, describe plans to invite a Navajo representative to offer a blessing to begin a meeting to respect and honor Tribal cultural practices. (0094-1-4 [King, Susan])

#### **2.19.4 Historic and Cultural Resources - Comments About the Area of Potential Effect**

**Comment:** Secs 3.9.2 and 4.9: Recommend that a map be inserted with clearly defined boundaries for the APE because a description of the APE is defined differently here than in the Affected Environment. The text should state explicitly that the APE is discontinuous if this is the case. (0094-3-10 [King, Susan])

**Comment:** Secs 3.9.2 and 4.9: The first complete paragraph on page 3-55 describes the factors that make up the integrity of an historic property, to indicate that for the indirect APE, only the factor of integrity as it relates to setting. Recommend clarifying the paragraph to read, "The indirect APE includes a 1.6-km (1- mi) radius around the direct APE. The proposed action will result in minimal permanent alteration to the existing grade and appearance of the landscape. Given this, the potential for adverse effects is limited to possible changes in the "physical features within the property's setting that contribute to its historic significance (36 CFR 800.5(2)(iv)). In total, the APE for indirect effects covers 2,712.8 ha [6,703.4 ac]." (0094-3-11 [King, Susan])

**Comment:** Secs 3.9.2 and 4.9: The information in Table 4.9.1 could be made clearer by inserting a column to state whether the site in each row is in the direct APE, the indirect APE, or co-located. These tables should include site number, site type, and management recommendations. Recommendations within table 4.9-1 are confusing as currently explained, and the meaning of the recommendation, "Site components avoided by APE," should be clarified. (0094-3-12 [King, Susan])

## **2.20 Comments Concerning Historic and Cultural Resources: NHPA Section 106**

### **2.20.1 Historic and Cultural: NHPA Section 106 - Communications with the NNEPA and Navajo Nation**

**Comment:** I would like to know if we have a response or comment or any type of statement from our Navajo Nation president regarding where the waste is going to go from the mine site to the mill site, which is only less than a quarter of a mile away. Thank you. MS. WALDRON: Hi, this is Ashley Waldron, we have received a letter from the Navajo Nation giving their comments on the draft EIS and that's publicly available in our Agency-wide document system. And we are considering their comments and we'll be replying to the comment. (0024-12-1 [Craig, Vivian])

**Comment:** Navajo Nation EPA has been engaging all parties involved; the Federal Agencies, the Navajo Nation Government, local Tribal Leadership and most importantly the impacted Navajo communities. Through this current effort of the "DEIS Comment period, NNEPA has identified that there is a severe communication problem that exists. The weight of the severity resonates as a simple disrespect of the Navajo Nation and the impacted Navajo Communities. NNEPA has attempted to bridge that divide with recommendations that were not achieved, but were simple steps that would have made significant impacts in conveying the process that requires review and comment of this DEIS. The intent behind our recommendations was to speak to the core of the Navajo people, the cultural identity, through the identification and inclusion of what is shared in our Dine' Fundamental Laws. "Respectful communication was not achieved. The final open discussion commenced with something that sounded and felt like an ultimatum that was disrespectful and threatening to the impacted communities and the Navajo Nation as a whole. (0083-1-10 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 5, Section: Executive Summary, Document Page: xxiv, Paragraph: N/A "This recommendation is based on (i) the license application request, which includes the ER and supplemental documents and the licensee's responses to the NRC staff's requests for additional information; (ii) consultation with Federal, State, Tribal, and local agencies and input from other stakeholders; and (iii) independent NRC staff review as set forth in this EIS." Untrue statement. Current conversations by the Navajo Nation is being ignored, not taken seriously or not given due attention. (0083-16-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 9, Section: Section 1.4.1, Public Participation Activities, Document Page: 1-8, Paragraph: N/A did NNEPA make comments? What was the extent of NNEPA involvement? Why did NNEPA address current issues during the Public Scoping Meetings? (0083-17-3 [Navajo Nation Environmental Protection Agency])

**Comment:** More so the US Government agencies involved in this decision making, has only made encounters to fulfill that checkbox of protocols, never actually listening or notating what the Navajo Nation has expressed. (0083-2-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Beyond that, the Navajo people are regarded throughout this document as casual observers, while in truth; they bear the brunt of the impact of these activities. (0083-2-6 [Navajo Nation Environmental Protection Agency])

**Comment:** 141. "The NRC staff recognizes that, while the NRC staff has attempted to accurately capture and describe the perspectives of the Navajo Nation in this EIS, members .of the Navajo Nation may hold views that differ from the conclusions presented in this EIS." Why did the NRC not consider it important to work in tandem with the NNEPA in drafting this EIS as

the Navajo Nation is the largest stakeholder? (0083-41-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Under DEIS Section 1.7.3.1, Interactions with Tribal Governments (p. 1-14), the DEIS lists a meeting held with the Red Water Pond Road community, a meeting held with the Navajo Nation Environmental Protection Agency (NNEPA), and a meeting held with the Church Rock, Coyote Canyon, and Standing Rock chapters of the Navajo Nation, which took place during the Scoping phase of the NEPA process. The Department recommends adding text that summarizes what was discussed at these meetings. (0094-1-2 [King, Susan])

## **2.20.2 Historic and Cultural: NHPA Section 106 - Programmatic Agreement**

**Comment:** Comment Number: 34, Section: N/A, Document Page: xxii, Paragraph: 3 The programmatic agreement is not with NNEPA but with the Navajo Nation Historic Preservation. (0083-7-6 [Navajo Nation Environmental Protection Agency])

**Comment:** BIA is involved in NHPA Section 106 consultation on Tribal Trust lands and must approve certain Tribal Section 106 documents. The BIA archaeologist for Navajo Nation works closely with the Navajo Nation Tribal Historic Preservation Office (THPO) throughout the Section 106 process. The Department requests that the BIA Navajo Regional Office be added as a party and signatory to the NHPA Section 106 Programmatic Agreement. We note that NRC has included BIA in discussing the Section 106 process in DEIS public meetings and radio presentations in 2021, so that should be reflected in the FEIS. (0094-1-9 [King, Susan])

## **2.20.3 Historic and Cultural: NHPA Section 106 - Consultations**

**Comment:** Sec 1.7.3.1: The NRC invited eight federally recognized Tribes to participate in the NHPA Section 106 review: Pueblos of Laguna, Acoma, Isleta, Zuni, and Tesuque; White Mountain Apache Tribe, Hopi Tribe, and Navajo Nation. Please describe in the text regarding the content and extent of that consultation, in addition to Navajo Nation. (0094-2-9 [King, Susan])

## **2.21 Comments Concerning Visual and Scenic**

### **2.21.1 Visual & Scenic Resources - General**

**Comment:** 6.2 Mitigation Measures Proposed by UNC (6.2.a) Visual and Scenic, Potential Visual Intrusions in the Existing landscape Character

- Develop and implement an EPA-approved Dust Control and Air Monitoring Plan to reduce fugitive dust
  - Conduct dust suppression along access and haul roads
  - Minimize site disturbance, where possible
  - Remove access and haul roads, staging areas, and debris
  - Regrade and revegetate disturbed areas with locally sourced soils and native plants
  - Cap the maximum height of the proposed disposal site at 13.1 meters (m) [43 feet (ft)] above the existing ground level
  - Cap the maximum excavation depth of the NECR Mine Site at 15.8 m [52 ft] below the existing ground level
- 6.2, From the Dine Uranium Remediation Advisory Commission (1 of The Draft EIS provides very little information about the impact of the proposed alternative on the visual and scenic impacts on the surrounding community. One single maximum height value is not enough to identify actual visual impacts. What is the new cover profile in relation to the existing profile? Will the slopes facing the private homes and public roads appear to be higher, or steeper, or

longer? What will be the difference in morning shadows at home entrances and adjacent activity areas? Navajo culture is to make early morning prayer and offerings to the east. The time of winter sunlight is also of particular interest. There must be design measures provided that will reduce the visual impact on the nearby residents at their residences and gathering areas? (0038-1-22 [Baheshone, Nona])

**Comment:** Section 4.10.1.3 Closure Impacts, page 4-56, line 23: NRC states a maximum excavation depth of 15.8m (15 ft). The conversion from meters to feet is incorrect and the depth specified in Section 4.10.1.3 of the DEIS should be modified to match the depth specified in Table 6.3-1 (i.e. 15.8m (52ft)). (0041-11 [Hauer, Lance])

**Comment:** No: 26, Figure: 3.11-1, Comments: No sure the purpose of this map. So the viewability is mostly High? (0083-24-10 [Navajo Nation Environmental Protection Agency])

**Comment:** This change in landscape could be significant to the Red Water Pond Rood Community due to their proximity, the nature of the Navajo Nation's cultural and religious connection with the land, and the potential loss of culturally or religiously significant visual and scenic resources. Therefore, the NRC staff concluded in EIS Section 4.10.1 that the visual and scenic impacts associated with the closure of the proposed action ore MODERATE (EIS section 5.10). 119. Shouldn't a higher impact be assessed since this change to their land is permanent? (0083-39-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Document Page: pg. 5-40, Section: 5.10., Comment Line: line 39-42, Paragraph: 5  
Comment: line states: Although the BLM has identified that there are no high-quality scenic views in the area, the surroundings visual and scenic landscape may have cultural and religious significance to the Navajo Nation that is not considered in the BLM VRM evaluation. - comment- A evaluation needs to be considered and provided by the appropriate department from the Navajo Nation to evaluate the cultural and religions significances in the area. At public meetings the NNEPA has been apart, each time a community member brings these cultural significances up. (0099-3-4 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-40, Section: 5.10., Comment Line: line 44-45, Paragraph: 5  
Comment: line states: Alter the landscape noticeably. -comment- 1) Where is the model that demonstrates this. The engineer CAD desgin that demonstrates a before and after. 2) Why has this not been key point in discussion, meetings or past public meetings. (0099-3-5 [Navajo Nation Environmental Protection Agency Superfund Program])

## **2.22 Comments Concerning Socioeconomics**

### **2.22.1 Socioeconomics - Comments About NRC's Socioeconomic Impact Levels**

**Comment:** Comment Number: 18, Section: Table ES-1, Document Page: XX, Paragraph: Socioeconomics, No-Action Potential impact to Navajo ranchers can be "MODERATE" to "LARGE" in the socio- economic section of this table. Navajo lifeways including the raising of livestock. Navajo ranchers who raise livestock rely on livestock for sustenance and income. Animals do not read signs or obey fence lines, livestock will graze where they see food. Animals are suspected of grazing in areas where there are elevated soil and water. (0083-20-8 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 30, Section: N/A, Document Page: Table ES-1, Paragraph: Socioeconomics, No-Action The potential impact to ranchers can be "MODERATE" to "LARGE" especially when they make their living as a rancher, and their livestock are suspected of grazing

in areas where there are elevated soil and water. (0083-7-2 [Navajo Nation Environmental Protection Agency])

## **2.22.2 Socioeconomics - Comments About Low-Income Analysis**

**Comment:** No: 31, Figure: 3.11-6, Comments: The chart is irrelevant regarding Low Income. Why break up the Low Income into three categories. What is the Block Group suppose to show? (0083-24-13 [Navajo Nation Environmental Protection Agency])

## **2.22.3 Socioeconomics - Jobs**

**Comment:** I know that I think if the agreement or if this is approved, then I'm thinking that they will probably be advertising for jobs, you know, for truck drivers. They might be advertising for that, but that won't probably happen until maybe in 2023. I'm just thinking that because it will take that long, you know, for all the paperwork to be processed. (0101-6-1 [Daye, Clara])

## **2.23 Comments Concerning Environmental Justice**

### **2.23.1 Environmental Justice - NRC's Environmental Justice Methodology**

**Comment:** We're one of the few minority-majority states in the United States. And I think that if environmental justice mandates were taken more seriously, I think that officials would be looking at other places. (0001-1-4 [Greenwald, Janet])

**Comment:** And if this happened in a predominantly white area, it would have been cleaned up fast. And in this location and in this circumstance, it was swept under the rug. And the community really feels like the government really let us down. (0001-17-4 [Keyanna, Teracita])

**Comment:** And then when you're talking about PTW, it's again environmental racism that you want to dump this waste on another indigenous community at White Mesa Mill. This is another form of genocide that you are perpetuating. (0001-4-8 [Morgan, Leona])

**Comment:** I appreciate you extending the time, but I just really have to point out that this sort of approach is an environmental injustice. (0001-7-8 [Gordon, Susan])

**Comment:** But, you know, we're supposed to be getting justice for everybody. And the justice that our community is getting is not justice. It's just whatever is good enough to keep the community quiet it feels like. (0002-4-8 [Keyanna, Teracita])

**Comment:** What's going on is clearly environmental injustice -- that EPA is offering to move families away, dividing the community up, putting them in dangerous situations, as Terry testified to. (0002-6-4 [Gordon, Susan])

**Comment:** Under the license amendment, radioactive waste from the Northeast Church Rock (NECR) Mine Site, which is located within the formal Navajo Reservation, would be placed into a repository located at the UNC Mill Site. The UNC Mill Site is located less than one mile from the NECR Mine Site, immediately adjacent to the formal Navajo Reservation. It is within the Eastern Navajo Agency and is surrounded by Navajo trust lands and Navajo communities. For example, the Red Water Pond Road Community is situated between the NECR Mine and the Kerr-McGee Quivira Mines (additional abandoned uranium mines in the vicinity of the NECR Mine and the UNC Mill Sites) and is within 0.22 km (0.14 miles) of the UNC Mill Site. This community and many other Navajo communities have been severely impacted by the legacy of

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uranium mining on the Navajo Nation. Indeed, the DEIS itself finds that Navajo communities are closer than any other community to the proposed project area and would be disproportionately affected due to transportation-related effects, impacts to air quality, increased noise levels, and visual disturbances. (DEIS Section 4.12.) (0008-2 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** The question I have is in the EIS it was stated that the environmental justice risk or accountability was very high and I'm just wondering, isn't that enough to stop the project as it is proposed from happening? Or how do you weigh these things, and if it's very high that seems like it would stop a project so that the community voices would be heard and respected on this. (0024-1-1 [Brown, Joan])

**Comment:** I want to highlight that and I want to highlight the fact that there is a deep mistrust from our Native communities working with governmental entities and you can't blame us for that. There is environmental racism and environmental injustices that are still alive and well in our communities. We get fed over and over again that this clean-up is going to get taken care of but then you all come back and constantly extend those timelines. (0024-19-2 [Boyd, Talia])

**Comment:** When we're talking about environmental justice, I think we need to be able to listen and come up with real solutions and not put that perception of I'm taking my ball and going home. That doesn't work; in the true definition of environmental justice, that does not work, so please listen to the community members, there is opportunity here to make amends with what we've already identified is a lack of a true effective means of communicating. (0024-2-2 [Yazzie, Dariel])

**Comment:** And over and over again, people keep mentioning safety and talking to the community and seeing what the community wants. In the very beginning the EPA told us, what do you want? Show us a wish list. And then all down that damn wish list it was no, no, no, no, no. And it's exactly what it is right now, it's environmental racism. If this happens in an Anglo community, that shit would have been cleaned up in no time at all. This environmental racism is very real, it's not just make-believe, it's not just one of your bedtime stories that you tell your kids like, yes, we don't really listen to the Native Americans. That's how it feels, I'm sure a lot of you guys have a heart, I'm sure a lot of you guys have a conscience, I'm sure a lot of you guys have regret, things like that. (0024-8-2 [Keyanna, Teracita])

**Comment:** Dumping nuclear waste on Navajo land is RACIST. (0033-1 [Cobb, Sandra])

**Comment:** It is unacceptable and furthering environmental injustice to dump the Potential Threat Waste (PTW) on another overburdened community of color. (0042-6 [Morgan, Leona])

**Comment:** Yet, as you well know, radwaste producers look throughout the USA and even internationally to dump their waste - no distance in the USA is too far for such high-level, low-level, mixed waste, etc. But when the radioactive material takes the form of tailings, and it is merely INDIGENOUS PEOPLE that one is contending with here, then you may only consider one option which happens to be within one mile of the NECR mine! This is environmental injustice / environmental racism pure and simple! (0069-4 [Campbell, Bruce])

**Comment:** Note that what is proposed for the NECR mine. It is appalling that there has been so little attention focused on what is clearly an ENVIRONMENTAL JUSTICE community which is the Red Water Pond Road community in the midst of perhaps the three most intensely radioactive sites on the Navajo Res. (0069-12 [Campbell, Bruce])

**Comment:** Dumping nuclear waste on Navajo lands against their will is environmental RACISM at its worst! STOP IT! (0082-1 [Lykins, Jim])

**Comment:** The NRC staff determines that the potential impacts from the proposed action and two secondary alternatives would be SMALL for resource areas with the exception of impacts on transportation, surface water, vegetation, air quality for non-greenhouse gases, noise, historic and cultural, and visual and scenic resources. The NRC staff also concludes that there are disproportionately high and adverse environmental Impacts (but not human health impacts) to minority and low-income populations that would likely result from the action alternatives. Navajo Nation communities are closer than any other community to the proposed project area and would be disproportionately affected due to the transportation-related effects, impacts to air quality, increased noise levels, and visual disturbances as discussed in EIS Section 4.12.8. The EIS states there are disproportionate effects on the Navajo population-is the UNC really fixing any of those effects by moving the material a mere couple miles? (0083-29-1 [Navajo Nation Environmental Protection Agency])

**Comment:** This is environmental racism at its worst (0090-1 [Ohanian, Laura])

### **2.23.2 Environmental Justice - Concerns About Environmental Justice**

**Comment:** 4. The proposed action threatens minority and low-income populations in New Mexico, who have already suffered disproportionately high adverse human health and environmental effects from uranium mining waste, and must comply with Executive Order 12898 requiring that all federal agencies achieve environmental justice for vulnerable populations who would be disproportionately affected by programs of the United States. Although the proposed action will transfer the NECR mine waste to a location off of Navajo lands to private land that is already impacted by legacy uranium operations, this private land is a small parcel completely surrounded by Navajo land and in close proximity to the Red Water Pond Community that is currently impacted by the NECR mine waste. (0036-10 [Kenney, James C.]

**Comment:** Legacy uranium mining and milling waste has long presented risks to public health and the environment in the State of New Mexico that are disproportionately greater than such risks to the general population of the United States. New Mexico is one of the poorest states in the country, with nearly 20 percent of the population falling below the poverty line and an average household income of \$48,059, compared with the national average of \$63,179.2 Many of these low-income households are in rural areas that suffer disproportionately from aging infrastructure and associated public health risks. In addition to the high adverse human health and environmental effects from nuclear energy and weapons programs of the United States, the communities of McKinley County, New Mexico, face a number of other health challenges that are likely to exacerbate the risk and impact of potential exposure to nuclear waste, including the following: a. According to the federal Health Resources Services Administration,<sup>3</sup> McKinley County has been designated as Medically Underserved Areas/Populations (MUA) with a rural designation. The MUA index score is 37.8 for McKinley County. A score below 62 on the 100-point scale is the threshold for the federal MUA designation. b. Exacerbating the shortage of healthcare services, according to the New Mexico Department of Health Indicator Based Information System,<sup>4</sup> updated through 2017, McKinley County has a disproportionately high rate of food insecurity at 26 percent of the population. Compare this rate with the state food insecurity rate of 15.5 percent and the national rate of 12.5 percent. c. McKinley County, moreover, presents the state hotspot for invasive pneumococcal disease, ranking as the top county in New Mexico with a disease rate of 120.4 cases per 100,000 population. The state rate is 33.2 while the national rate is 25 cases per 100,000 population. These statistics may be a



predictor of the prevalence of COVID-19 in New Mexico: on November 22, 2020, the New Mexico Department of Health<sup>5</sup> reported that McKinley County had the third highest number of COVID-19 cases in New Mexico with 6,180. In a county of just 71,367 (according to 2019 U.S. Census Bureau data), that is a COVID-19 prevalence rate of 8,659 cases per 100,000 population in McKinley County. The proposed action must comply with Executive Order 12898 requiring that all federal agencies achieve environmental justice for vulnerable populations who would be disproportionately affected by programs of the United States. Remedial actions must ensure the highest level of safety for this vulnerable population and for all New Mexicans. <sup>2</sup> US Census Bureau: <https://www.census.gov/library/publications/2020/acs/acsbr20-04.html> <sup>3</sup> US Health Resources and Services Administration: <https://data.hrsa.gov/tools/shortage-area/mua-find> <sup>4</sup> State of New Mexico Indicator-Based Information System (NM-IBIS): <https://ibis.health.state.nm.us/> <sup>5</sup> State of New Mexico Department of Health COVID Dashboard: <https://cvprovider.nmhealth.org/public-dashboard.html> (0036-11 [Kenney, James C.]

**Comment:** Executive Summary, Table ES-1: NRC states that the action results in "Disproportionately high and adverse environmental impacts (but not human health impacts)" for all alternatives, as well as with regard to the cumulative impact. In order to present a more complete and accurate description, the text in the Executive Summary and other sections of the DEIS should be revised to acknowledge the mitigation measures associated with these impacts. More specifically, the following two sentences should be added: "Measures are being taken to mitigate potential environmental justice impacts, including through EPA's offer to provide community members voluntary, permanent, alternative housing. Furthermore, the removal of mine wastes from the former mine area and consolidation of the mine materials over existing mill waste materials on private property, minimizes the footprint of waste disposal units and will allow beneficial reuse of the NECR mine area." The same statement should also be added to line 32, page 4-64 when describing the Environmental Justice Impacts of the Proposed Action, line 43, page 4-65 when discussing Closure Impacts, and as appropriate in Section 4.12.2 when discussing other alternatives considered. (0041-1 [Hauer, Lance])

**Comment:** Lastly, the NRC has failed to adequately address environmental justice considerations in the DEIS with respect to mitigation measures. When an agency determines there are disproportionately high adverse impacts to minority and low income populations from a proposed project, as NRC has done here, the agency should consider various mitigation methods, including avoiding an impact by not taking a certain action or compensating for an impact by replacing or providing substitute resources or environments. See, e.g., Federal Interagency Working Group on Environmental Justice and NEPA Committee, Promising Practices for EJ Methodologies in NEPA Reviews, March 2016. Accessible here: [https://www.epa.gov/sites/production/files/2016-08/documents/nepa\\_promising\\_practices\\_document\\_2016.pdf](https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf) (last viewed May 2021) Here, NRC has identified impacts to low-income and minority populations as a result of GE's proposed action, but has failed to consider in any meaningful way mitigation measure such as not moving the mine waste to the mill tailings pile or in providing a culturally appropriate relocation alternative, such as moving the Community to Standing Black Tree Mesa. Mitigation measures should reflect the needs and preferences of affected Indian tribes to the extent practicable. See, e.g., Council on Environmental Quality, Environmental Justice: Guidance Under the National Environmental Policy Act, 1997. Accessible here: [https://www.epa.gov/sites/production/files/2015-02/documents/ej\\_guidance\\_nepa\\_ceq1297.pdf](https://www.epa.gov/sites/production/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf) (last viewed May 2021). Instead of following this guidance, however, NRC has continued to ignore the needs of the Community and Navajo Nation President Nez, who called, most recently, for all UNC mine and mill waste to be removed from Navajo Nation entirely. Letter from

Navajo Nation President Jonathan Nez to John Tappert, US NRC at 2-3 (April 12, 2021). (0072-1-8 [Jantz, Eric])

**Comment:** 9. Why is the Navajo population referred to in this EIS as "minority and low-income" populations? How is the population's ethnic status or income level relevant to the effects of the proposed alternative? 10. If these remarks aren't intended to be offensive, then what was the intent behind them? (0083-29-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Focus of EJ Discussion on Gallup and McKinley County The DEIS discussion of Environmental Justice in Sections 3.11 and 4.12 includes a geographic area considerably larger (20 mile radius) than that recommended in NRC EJ guidance for rural areas (4 mile radius), allowing it to collect and analyze more data regarding EJ communities and impacts in this wider area, which includes the city of Gallup and much of McKinley County, giving a more complete picture of the EJ communities. However, the discussions in both sections focus more on the Gallup area and McKinley County than they do on the closest community. For example, in the discussion of unique pathways for potentially affected populations, it is only at the end of the long paragraph that the Red Water Pond Road Community is mentioned as being disproportionately affected. The Department recommends that NRC revisit these discussions and tailor the text to focus on the Red Water Pond Road Community and any small communities within the several surrounding Navajo chapters, rather than on the larger geographic area. Section 3.11 provides a lengthy discussion of NRC EJ guidance and methodology and these discussions could be revised to focus on the most important points. (0094-1-5 [King, Susan])

**Comment:** the NRC fails to adequately consider mitigation measures. The NRC's DEIS relies heavily on future, speculative, mitigation measures which may or may actually come to fruition. Further, the NRC's consideration of mitigation measures fails to adequately analyze those mitigation measures in the context of their environmental justice impacts. (0100-4 [Commenters, Multiple] [Gordon, Susan])

## **2.24 Comments Concerning Public and Occupational Health**

### **2.24.1 Public and Occupational Health - Monitoring and Safety Measures to Protect Human Health**

**Comment:** Soil disturbance from the construction and removal from NECR tailings and waste is greatly detailed. 138 ha or ~340 acres of land is significant removal causing dust dispersion to the local area and residence. The DEIS report highlights this issue with preventative actions and monitoring air quality from radon gas emissions and contaminated dust, while also removing previous contaminated air dispersed deposition at residences property. (0018-8 [Pederson, Mathew])

**Comment:** Since this project is dealing with hazardous waste, we feel that the potential impacts to workers must also be addressed in this EIS. Workers will be exposed to radiation while completing this project. According to the World Nuclear Association, when working with uranium, "Radiation doses and risks should be kept as low as reasonably achievable (ALARA), economic and social factors being taken into account" (World Nuclear Association, 2020). To prevent unnecessary radiation exposure, dust is one of the most important aspects to control as it also has the potential to impact the surrounding communities that will not have any safety gear. When inhaled, the uranium in dust can give rise to lung cancer (World Nuclear Association, 2020). Including worker protective gear and other precautions the agency will take is essential to ensure no corners will be cut in regards to the safety of workers and the Navajo Nation. To prevent further exposure of uranium to the Navajo Nation and new exposure to

workers, the EIS should outline the precautionary steps that will be taken to ensure safety. World Nuclear Association. Occupational Safety in Uranium Mining. 2020, [www.world-nuclear.org/information-library/safety-and-security/radiation-and-health/occupational-safety-in-uranium-mining.aspx](http://www.world-nuclear.org/information-library/safety-and-security/radiation-and-health/occupational-safety-in-uranium-mining.aspx). (0019-8 [Davila, Valeria] [Murrieta, Ana] [Urcadez, Austin])

**Comment:** 1. UNC must improve monitoring of radioactive waste during transportation to the Mill Site and engage in further study and comparison of the two alternative transfer methods. NRC must require improved monitoring of radioactive material during the transfer of material by either truck (proposed action) or conveyor system (secondary Alternative 1B). In addition to the monitoring systems outlined in the draft EIS, the final EIS must include the use of state-of-the-art air monitoring instrumentation with Wi-Fi and alarm setting continuous air monitoring capabilities (e.g., Bladewerx SabreBPM<sup>2</sup> Portable Beta [Alpha] CAM). NRC must also establish a baseline by conducting monitoring prior to commencing transfer activities along the proposed transfer route. All monitoring data must be readily available for public review. Without this critical monitoring, New Mexico and tribal citizens may be subjected to health effects from the transfer; NRC must ensure all potential human and environmental targets in the area are protected from any air effects of this action. (0036-4 [Kenney, James C.]

**Comment:** 2. The draft EIS must better address ongoing exposure to radioactive material by local residents and must ensure their health and safety is protected. In the draft EIS, UNC has stated that they would limit the annual average radionuclide concentrations of uranium (U-234, U-238, Th-230, Ra-226, Rn-222, and Pb-210) in the air at the nearest downwind boundary monitoring locations to the NRC air effluent limits in 10 CFR Part 20, Appendix B, Table 2 (see EIS page 7-2). There are 34 home sites located within approximately 3.2 km (2 miles) of the proposed project area. Seven residences are located 0.29 miles from the north boundary of the NECR Mine Site. The draft EIS states the annual public dose from continuous exposure would be limited to 0.5 mSv [50 mrem] and also that the dose in any unrestricted area would not exceed 0.002 rem (0.02 millisievert) in any one hour (see EIS page 7-3.) To ensure the latter exposure limits are met, the final EIS must include the design and ongoing utilization of dosimetry and instrument surveys to ensure that the 0.002 rem in any-one-hour limitation is not exceeded. (0036-9 [Kenney, James C.]

**Comment:** The preferred alternative subjects the nearby Red Water Pond Road community and the surrounding Navajo Nation to a continuing risk of groundwater contamination from the unlined mill tailings waste pile and windblown soil contamination during the excavation and transport of NECR mine waste. (0056-3 [Watchempino, Laura])

**Comment:** Within the entirety of the draft EIS, there are no accurate, consistent, and long-term air monitoring applications described. (0083-1-6 [Navajo Nation Environmental Protection Agency])

**Comment:** (The application of "light water sprays is not sufficient for the control of dust - which has the potential to contain numerous and considerable hazards given the higher criteria of radiological material permissible on the site.). This disparity in treatment of radiological material suggests the UNC's blatant attempt to use the higher rad levels at the site as the new acceptable background, as opposed to taking responsibility for the cause of the higher levels and developing a respectable plan to restore the land and protect the safety of the people living there. (0083-1-9 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 11, Section: 2, Document Page: pg.2-20, Paragraph: 2 safety of workers. Why don't they park somewhere offsite, and have a shuttle that can be checked/clean daily. (0083-11-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 35, Section: 7, Document Page: 7-1, Paragraph: N/A The Radiation Protection Plan addresses radiation safety training, organization and responsibilities; occupational and public health physics monitoring for internal and external exposure assessment; and administrative and engineering exposure control measures and protection. In particular, the Radiation Protection Plan describes worker and public protections that address the potential exposure pathways applicable to the proposed action as described in EIS Section 3.13.2. Will this include training for the public in the area of the mine site? The RSO should include the community in any training on the exposure pathways. Giving the community this information is vital. Also, residents should be given TDL monitors for the duration of remediation. (0083-22-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 36, Section: 7.2, Document Page: 7-3, Paragraph: N/A Two NECR Mine Site downwind air monitoring stations would be placed to account for occasional shifts in the wind direction throughout the day (one near each residence downwind of the NECR Mine Site, which are located generally northeast of the excavation areas) Quality air monitoring equipment should be set up at all NECR homes with residents and monitored at the same frequency as workers. Air monitoring should continue after remediation when relocated residents return to homesites. (0083-23-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 37, Section: 7.4, Document Page: 7-5, Paragraph: N/A Quality air monitoring equipment should be set up at all NECR homes with residents and monitored at the same frequency as workers. Air monitoring should continue after remediation when relocated residents return to homesites. (0083-23-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 38, Section: 7.4, Document Page: 7-4, Paragraph: N/A Additional monitoring, request additional air monitoring and monitoring devices at each residence. Monitoring is conducted at each residence/home that is not relocated during the removal time frame. Residents could also be assigned TDL badges to wear while they are at home in the area during the removal time frame. Air monitoring should also continue after remediation when relocated residents return to homesites. (0083-23-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Water is one of the major radionuclide transport agents, radiological monitoring in the neighborhood of the mining areas should be given special attention. (0083-26-11 [Navajo Nation Environmental Protection Agency])

**Comment:** Air monitoring for external radiation, radon and its progeny, as well as dust content, should be done. (0083-26-12 [Navajo Nation Environmental Protection Agency])

**Comment:** Based on (i) the information provided in the EPA's approach to remove NECR mine waste described in UNC's LAR and the 95% Design Report (MWH, 2018), (ii) the satisfactory completion of the detailed EPA (CERCLA) and NRC (licensing) reviews as documented in the EPA ROD (EPA, 2013) and the NRC SER, respectively, (iii) the continued oversight by EPA and NRC established during the construction phase (monitoring for radionuclides in airborne particulates), and (iv) the information and the analysis of human health and environmental impacts presented throughout this EIS, the NRC staff does not expect adverse health effects to any population, including minority and low-income populations, from the construction phase (EIS section 4.12.1.1). 4. Isn't the above conclusion by NRC based on everything going right? 5. What happens when something goes wrong? (0083-28-3 [Navajo Nation Environmental Protection Agency])

*Public Comments on the Draft Environmental Impact Statement for the Disposal of Mine Waste  
at the United Nuclear Corporation Mill Site in McKinley County, New Mexico*

**Comment:** 5. The estimate of PTW is concerning. First, is the outdated estimate done more than a decade ago. Handheld detector mapping is the least accurate form of mapping available. A considerably more accurate percentage of PTW should be understood. Secondly, the hazards related to a stockpile of this level of radiation are not fully understood or delineated in a study. How can accurate mitigation methodology be applied when the information necessary is not fully understood? 26. How can stockpiling be suggested when a study of the dangers of such a pile has not been done? (0083-30-10 [Navajo Nation Environmental Protection Agency])

**Comment:** 62. Dust will be a major issue for the RWPRC during this project, where is the clear and methodical plan for how this will be addressed? 63. The EIS states that dust/air quality would be monitored for non-radiological contaminants but why not radiological contaminants? 64. It is easy to state that the human health risk is small if you are not monitoring for radiological contaminants in the air. (0083-33-2 [Navajo Nation Environmental Protection Agency])

**Comment:** 109. How can an accurate evaluation of the proposed work be done when there are no concise statements of the radiological work anywhere in the document? (0083-38-6 [Navajo Nation Environmental Protection Agency])

**Comment:** 111. Why is a fully fleshed out Radon Protection Plan not presented within this context of the Draft EIS? (0083-38-8 [Navajo Nation Environmental Protection Agency])

**Comment:** 8. It doesn't look like radionuclide air quality was specifically considered. The document has sections about air emissions, but does not consider the small particles that could contain uranium that could be mobilized during any remediation (0094-1-18 [King, Susan])

**Comment:** Introduction, p. 1-3 line 33: The text should state in the decommissioning of the mine site, how will ore dust be contained. (0094-2-5 [King, Susan])

**Comment:** Sec 1.1.2 NECR Mine Site p.1-3 lines 45-47: In this evaluation of radioactivity in soils at the site with the potential to migrate, what is being done to ensure any migration of radioactive tailings, etc..? (0094-2-6 [King, Susan])

**Comment:** And your employees, are they going to be wearing some kind of a monitor on them to determine if they're getting any radiation, radon, on them? (0096-22-2 [Murphy, Alfred])

**Comment:** And our concern is we don't want that waste transported to the next, to the other side. And every day, we all -- there's a lot of, a lot of us that live back there. So, every day people have work; they have things to do. And where they're going to be transporting this stuff, we're going to be breathing it in. So, every day people pass by that same road. And then, on the other hand, there's still some people from the mine that are still working in that area to where that, the chemical, is going to be transported. And so, every day people pass by there, and we really don't want it moved and we don't want to inhale it because of our health concerns. And then, for the livestock, they also go down that way for the sheep and the cows and the horses. So, on my part, I don't want it moved to. (0096-5-1 [King, Judy])

**Comment:** A person stated that while the mine was active, there was a significant amount of dust. Community members were never warned of the hazard and never told that they should move. This person asked if air monitoring would be conducted while the waste is being moved. (0097-4 [Community Member, Red Water Pond Road])

**Comment:** Document Page: Pg. 4-33, Section: 4.6.1.3, Comment Line: line 46, Paragraph: 5  
Comment: air monitoring, the stations that is planned to be station on site. May it be noted that

air monitoring stations also be placed near homesteads, Pipeline Community, Largo Community (South of UNC), and Red Water Pond. (0099-2-3 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-24, Section: 5.5.1, Comment Line: line 25-35, Paragraph: 3  
Comment: Air monitoring, the stations that is planned to be station on site. May it be noted that air monitoring stations also be placed near homesteads, Pipeline Community, Largo Community (South of UNC), and Red Water Pond. (0099-2-14 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 7-3, Section: 7.2, Comment Line: line 3-12, Paragraph: 1  
Comment: number of air monitoring stations need to be reconsidered with consideration of the nearby families homes/communities; Pipeline Community, South of UNC; Largos' of Pinedale, as well as three homestead near Mesa South of Woods, PLC, and Red Water Pond Road Community, (0099-3-9 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: Pg. 1-7, Comment Line: line 12  
Comment: Radiological effluent release limits to demonstrate compliance with worker and public safety standards will need to be comparable to background levels. Where will this background monitor be located and will it meet applicable siting requirements. (0099-4-4 [Navajo Nation Environmental Protection Agency Superfund Program])

## **2.24.2 Public and Occupational Health - EPA Radiological Cleanup Levels for the NECR Mine Site**

**Comment:** 3.12.2.3 Portions of the NECR Mine Site (3.12.2.3.a) The NECR Mine Site includes areas of contaminated soil that are the focus of the EPA removal and remedial actions {EPA, 2013a; EPA 2011b}. Operations at the NECR Mine Site resulted in the accumulation of uranium protore {low grade ore}, waste rock, and overburden onsite. The EPA established a risk-based soil field screening level {FSL} of 2.24 pCi/g for Ra-226 to define areas within the NECR Mine Site that represent sources of radioactive material that require remedial action. This screening level corresponds to a cancer risk of  $2 \times 10^{-4}$  for a residential scenario (EPA, 2011b). To protect human health, EPA has set the acceptable risk range for carcinogens at Superfund Sites from 1 in 10,000 to 1 in 1,000,000 {expressed as  $1 \times 10^{-4}$  to  $1 \times 10^{-6}$ }. A risk of 1 in 1,000,000 { $1 \times 10^{-6}$ } means that one person out of one million people could be expected to develop cancer as a result of a lifetime exposure to the site contaminants. Although the established EPA Ra-226 screening level for the NECR Mine Site is slightly higher than this range, EPA notes in the remedial action ROD {EPA, 2013a} that under a Clean Air Act rulemaking establishing National Emission Standards for Hazardous Air Pollutants {NESHAP} for NRC licensees, U.S. Department of Energy facilities, and many other kinds of sites, EPA determined that radon emissions of 20 pCi/m<sup>2</sup>s results in a maximum individual risk of  $1.8 \times 10^{-4}$  and concluded that a risk level of  $1.8 \times 10^{-4}$  is essentially equivalent to the presumptively safe level of  $1 \times 10^{-4}$  (54 FR 51673). [pg 3-79, lines 34 to 47, and pg 3-80, lines 1 to 3] 3.12.2.3 Portions of the NECR Mine Site(3.12.2.3.a) 2.12.2.3, From the Dine Uranium Remediation Advisory Commission (1 of How would application of a risk level at  $1.0 \times 10^{-4}$  (0.00010) in place of  $1.8 \times 10^{-4}$  (0.00018) change the allowable radon emissions level or the risk-based soil field screening level? Would the differences be measurable by normal field procedures? The identified screening level of  $2 \times 10^{-4}$  is two times the maximum risk range for carcinogens as described the Draft EIS. (0038-1-16 [Baheshone, Nona])

**Comment:** Comment Number: 14, Section: 3.12.2.3, Document Page: pg. 3-79, Paragraph: Paragraph beginning line 34 What data is used to prove only a in 1 million chance of the

development of exposure related cancer? (0083-19-2 [Navajo Nation Environmental Protection Agency])

**Comment:** The current contaminated condition cannot be used as a measuring stick for cleanup results. As is expected with any other contaminated area, the condition of the surrounding uncontaminated area should be the measure by which this area is cleaned. (0083-2-8 [Navajo Nation Environmental Protection Agency])

**Comment:** H . How Is Applying The Clean Air Act To Define Acceptable Ground Contamination Levels Acceptable? The EPA established a risk-based soil field screening level (FSL) of 2.24 pCi/g for Ra-226 to define areas within the NECR Mine Site that represent sources of radioactive material that require remedial action. This screening level corresponds to a cancer risk of  $2 \times 10^{-4}$  for a residential scenario (EPA, 2011b ). To protect human health, EPA has set the acceptable risk range for carcinogens at Superfund Sites from 1 in 10,000 to 1 in 1,000,000 (expressed as  $1 \times 10^{-4}$  to  $1 \times 10^{-6}$  ). A risk of 1 in 1,000,000 ( $1 \times 10^{-6}$ ) means that one person out of one million people could be expected to develop cancer as a result of a lifetime exposure to the site contaminants. Although the established EPA Ra-226 screening level for the NECR Mine Site is slightly higher than this range, EPA notes in the remedial action ROD (EPA, 2013a) that under a Clean Air Act rule making establishing National Emission Standards for Hazardous Air Pollutants {NESHAP} for NRC licensees, U.S. Department of Energy facilities, and many other kinds of sites, EPA determined that radon emissions of 20 pCi/m<sup>2</sup>s results in a maximum individual risk of  $1.8 \times 10^{-4}$  and concluded that a risk level of  $1.8 \times 10^{-4}$  is essentially equivalent to the presumptively safe level of  $1 \times 10^{-4}$  {54 FR 51673}(EIS section 3.12.2). 70. Essentially, the EPA is changing the action level and justifying it with the Clean Air Act. Isn't this an improper use of this Act? If not, why not? (0083-33-5 [Navajo Nation Environmental Protection Agency])

**Comment:** 71. Terms such as "essentially equivalent" and "presumptively safe level" should not be used in an EIS and does not instill confidence in the proposed project-is this language acceptable on all NRC/EPA closure/remediation projects? (0083-34-1 [Navajo Nation Environmental Protection Agency])

**Comment:** After residual contamination is removed, the area would be rechecked with a gamma radiation survey to verify that the area is at or near background radiation levels {EIS section 4.4.1.2 ). 72. What does "near" mean? 73. Why can't background be at or below the action limit? 74. The same section states: If there is a concern regarding the cleanup levels achieved, soil samples would be taken from the contaminated area and a nearby uncontaminated area to establish background levels (Stantec, 2018b)- when can we expect this to happen? (0083-34-2 [Navajo Nation Environmental Protection Agency])

**Comment:** L. Radiological Concerns Otherwise Not Specified The EPA has the responsibility of overseeing the NECR Mine Site remediation and will determine the appropriate rules, regulations, and mitigation measures to ensure groundwater quality is protected from any negative environmental impacts resulting from reclamation activities. After the reclamation, the NECR Mine Site would be released for unrestricted use (EIS section 5.5.2). 104. If the intention of the EPA is to release the NECR Mine Site for unrestricted use, then shouldn't the allowable contaminant levels reflect the same reuse levels adopted by the EPA for other sites across the state? (0083-38-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 106. It's not discussed in the document how the UNC plans to monitor or verify the excavated concentration. A handheld survey unit, which is what they plan to use to detect the PTW, will almost certainly not be able to distinguish this in a reasonable time frame. How does

the UNC propose to verify the excavated concentration? (0083-38-3 [Navajo Nation Environmental Protection Agency])

**Comment:** At the NECR Site, all wastes containing either 200 pCVg or more of Ra-226 and/or 500 mg/kg or more of total uranium (0.05% uranium) present a significant risk to human health; therefore, this contaminated material is considered principal threat waste (EIS page 2-5 ). 125. Is this action level agreeable? The action level is twice the 1 in 10,000 cancers typically used. Why is this acceptable? (0083-39-10 [Navajo Nation Environmental Protection Agency])

### **2.24.3 Public and Occupational Health - Health Status and Studies**

**Comment:** What's the conditions of the existing UNC mill center? Sara Jacobs mentioned the safety of the people, why does the DEIS have no information about studies that have been done on the Navajo people that lived in that area, their health impacts, what they had to endure. (0024-10-5 [Martinez-Silversmith, Lee Anna])

**Comment:** 3.12.5.2. Public Health (3.12.5.2.a) Health studies within the region surrounding the proposed project area were previously conducted by Federal and State agencies to evaluate the potential health consequences of the 1979 UNC tailings spill {CDC, 1980; NMEID, 1983} {EIS Section 3.12.1.2}. The CDC study surveyed livestock that were known to use the Puerco River and its tributaries for drinking, evaluated the public health impacts from consuming livestock, and evaluated the potential health impacts from other exposures to contaminated environmental media. The CDC conducted bioassay surveys of residents that lived near the UNC Mill Site and found that results were consistent with measured values from other known locations in the U.S. and abroad with high background radiation. The CDC concluded that the livestock had elevated concentrations of radionuclides in edible tissues that warranted additional monitoring and investigation but noted that no State or Federal regulations were violated by these elevated concentrations. They described evidence that some of the highest concentrations of radionuclides in the livestock were from animals that drank water from mine discharge rather than impacts from the tailings spill. [pg 3-83, lines 27 to 39] 3.12.5.2. Public Health(3.12.5.2.a) 2.12.5.2, From the Dine Uranium Remediation Advisory Commission (1 of 2) What kind of current water quality studies need to be conducted now to determine if elevated concentrations of radionuclides in edible tissues is from sources other than background radiation? Have any recent studies been completed? What measures could be implemented to assure cattle ranchers and the public that potential health consequences have been reduced to safe levels. Are alternate sources of water for livestock use needed or are treatment measures feasible? (0038-1-17 [Baheshone, Nona])

**Comment:** 3.12.5.2. Public Health(3.12.5.2.b) The NMEID assessment provided a detailed evaluation of available post-spill survey data and concluded that water quality in the Puerco River had returned to pre-spill levels and that the background contaminants of concern from upgradient dewatering operations were potentially hazardous to human health if used over several years as the primary source of drinking water, livestock water, or irrigation water. Therefore, NMEID recommended at the time that the Puerco River should not be used as a primary source of water for human consumption, livestock watering, or irrigation (NMEID, 1983). [pg3-83, lines 40 to 44, and pg 3-84, lines 1 and 2] 2.12.5.2, From the Dine Uranium Remediation Advisory Commission (2 of 2) See the comments from the previous paragraph (pg 3-83, lines 27 to 39) related to Section 2.12.5.2, From the Dine Uranium Remediation Advisory Commission (1 of 2) on the previous page. (0038-1-18 [Baheshone, Nona])

**Comment:** First, the DEIS relied on a New Mexico Environmental Improvement Division ("NMEID") report published in 1983 ("NMEID Report") to conclude that the 1979 Church Rock



Tailing Spill had "no effect on the health of local residents" (DEIS at 3-78). The NMEID Report focused mainly on water quality impacts of the tailings spill and more than 20 years of mine water discharges to the Puerco River, comparing environmental contaminant levels with various regulatory limits. The NMEID Report was not a rigorous, epidemiological and toxicological "health study." As discussed below, several recent population studies have documented increased risks of chronic disease among Eastern Agency residents exposed to uranium wastes, but to this day, there has never been a comprehensive study of relevant health endpoints in any of the Navajo communities of the Puerco River Valley, from the Red Water Pond Road area downstream to Chambers, Arizona. (0072-2-3 [Jantz, Eric])

**Comment:** Furthermore, while mine-water discharges are mentioned in the DEIS, no data are provided to indicate the long-term impacts of those discharges, which reached a peak of 5,200 gallons per minute (gpm) between 1977 and 1982. Total radioactivity released to the Puerco River system from mine discharges was 5.6 times greater than that of the one-time UNC Mill tailings spill. McQuillan D, Shuey C, Robinson P. Let's Not Wait for Catastrophic Spills to Happen: Holistic, Long-Term, Multi-Jurisdictional Monitoring in Legacy Mining Areas, Proceedings of the 2nd Animas River Conference, New Mexico Water Resource Research Institute (June 21, 2017); available at: [https://animas.nmwrri.nmsu.edu/wp-content/uploads/2017Presentations/D1\\_08\\_Dennis\\_McQuillan.pdf](https://animas.nmwrri.nmsu.edu/wp-content/uploads/2017Presentations/D1_08_Dennis_McQuillan.pdf); Wirt L., Radioactivity in the Environment - A Case Study of the Puerco and Little Colorado River Basins, Arizona and New Mexico, Tucson: U.S. Geological Survey, Water-Resources Investigations Report 94-4192. (1994). (0072-2-4 [Jantz, Eric])

**Comment:** Second, statewide health statistics cited in the DEIS do not identify public health characteristics for the immediate area surrounding NECRM or for the larger area of McKinley County. A 2015 report by McKinley Place Matters, citing federal census data and State of New Mexico and Navajo Nation reports, noted that McKinley County residents have higher rates of stomach, kidney, renal and pelvic cancer than the overall populations of both New Mexico and the U.S., and that Native Americans in the area have higher rates of kidney, pelvic and stomach cancers than White or Hispanic populations. McKinley Place Matters, Looking Within: A Health Impact Assessment of Uranium Mining. Gallup, NM (April, 2015); available at: [https://mckinleycommunityplacematters.files.wordpress.com/2014/02/looking-within\\_hia\\_final.pdf](https://mckinleycommunityplacematters.files.wordpress.com/2014/02/looking-within_hia_final.pdf). Generally, cancer incidence data by community, chapter or zip code are not available from the New Mexico Tumor Registry or the Navajo Nation Epidemiology Center because of confidentiality restrictions. Hence, no cancer data are available for people who live in the Red Water Pond Road and Pipeline Road communities northwest and north of the UNC mill tailings impoundment. Some members of RWPRCA have self-reported their cancers. United States House of Representatives, Committee on Oversight and Government Reform, The Health and Environmental Impacts of Uranium Contamination in the Navajo Nation at 78, Washington, DC: United States Congress, Report No. 110-97 (Oct. 23, 2007); see, also, <https://webharvest.gov/congress110th/20081217030819/http://oversight.house.gov/story.asp?ID=1560>. Community members are not aware of any contact by NRC staff during preparation of the DEIS to ascertain more specific information about cancers in the community. Third, a series of peer-reviewed studies by the DiNEH Project (Diné Network for Environmental Health Project, Navajo Uranium Assessment and Kidney Healthy Study) documented increased risks of chronic metabolic diseases in people living in the Eastern Agency. The DiNEH Project, coordinated by the University of New Mexico ("UNM") Community Environmental Health Program and conducted by staff of Southwest Research and Information Center ("SRIC"), in collaboration with the Eastern Navajo Health Board and funding from the National Institute of Environmental Health Sciences ("NIEHS"), was carried out in 20 chapters of the Eastern Agency. Eleven of the chapters had uranium mining or

milling, nine did not. Residents of the Community and other communities surrounding the Church Rock Mining District were participants in these studies. Like other participants in cross-sectional epidemiological and toxicological studies, their identities are confidential but their health statuses are aggregated in findings from these studies. Between 2004 and 2011, the DiNEH Project conducted a water, land use and health survey among 1,304 residents of the Eastern Agency using Navajo-fluent and trained interviewers. In 2010-2011, the study hosted 14 community "collection events" at chapter houses, community centers and clinics at which 267 participants volunteered to provide blood and urine samples for analyses of metals and biomarkers of organ damage. Investigators ascertained exposure by calculating the distance from participants' homes to 100 uranium waste sites (98 mines and 2 mill tailings facilities) and analyzing participants' survey responses to 13 questions addressing how they may have been exposed in the past. Exposures range from working in mines, mills or on reclamation projects and living in mining camps to playing on waste piles, herding livestock on or near mine sites, and washing clothing of uranium workers. Nearly 200 participants were residents of Church Rock (69), Coyote Canyon (65) and Pinedale chapters (64) - three of the four chapters that span the Church Rock Mining District. Figure 3 shows that participants living in Church Rock Chapter generally reported more environmental exposures than all DiNEH participants, due largely to the fact that 20 abandoned uranium waste sites (19 mines and 1 mill) are located in the Church Rock area. Figure 3. Self-reported environmental exposures among Churchrock participants compared with All Chapters Figure 4. Comparison of Prevalence rates for selected chronic diseases among DiNEH Project Participants, 2012 (from, Shuey, et al., 2019) Self-reported and clinically established diseases among DiNEH participants compared with U.S. prevalence rates for key chronic diseases are shown in Figure 4. Prevalence of high blood pressure, diabetes and stroke was greater than U.S. rates; heart disease was one-fourth of the U.S. prevalence rate. UNM researchers applied advanced analytical methods to the survey, geospatial and biological data. Among the salient findings were:

- Proximity to waste sites coupled with self-reported lifetime exposures were significant predictors of kidney disease during the active mining era from 1950 to 1986. Hund L, Bedrick EJ, Miller C, Huerta G, Nez T, Ramone S, Shuey C, Cajero M, Lewis JL, A Bayesian framework for estimating disease risk due to exposure to uranium mine and mill waste on the Navajo Nation, *J. R. Statist. Soc. A* (Jan., 2015), (<http://onlinelibrary.wiley.com/doi/10.1111/rssa.12099/abstract>);
- Proximity to waste sites and self-reported exposures during the Environmental Legacy era (1986 and on) were significantly associated with increased risks of hypertension and autoimmune disease and with a combination of chronic diseases that includes diabetes. Hund et al., 2015; Erdei E, Shuey C, Pacheco B, Cajero M, Lewis J, Rubin RL, Elevated autoimmunity in residents living near abandoned uranium mine sites on the Navajo Nation, *99 Journal of Autoimmunity* 15-23 (2019) (Environmental exposures were not significant predictors of diabetes by itself).
- Biomarkers of autoimmunity were associated with proximity, with legacy era exposures and uranium in drinking water at average concentrations of about 8 parts per billion (ppb), or roughly a fourth of the current USEPA drinking water standard for uranium of 30 micrograms per liter (ug/l, which is equivalent to 1 ppb). Erdei et al, 2019.
- Residential proximity to mines and arsenic in drinking water sources were associated with biomarkers of cardiovascular disease, suggesting a link between the high prevalence of hypertension and diabetes in the study population. Harmon ME, Lewis J, Miller C, Hoover J, Ali AS, Shuey C, Cajero M, Lucas S, Pacheco B, Erdei E, Ramone S, Nez T, Campen MJ, Gonzales M., Arsenic association with circulating oxidized low-density lipoprotein in a Native American community, *Journal of Toxicology and Environmental Health, Part A*, DOI: 10.1080/15287394.2018.1443860 (2018); Harmon ME, Lewis J, Miller C, Hoover J, Ali AS,

Shuey C, Cajero M, Lucas S, Pacheco B, Erdei E, Ramone S, Nez T, Gonzales M, Campen MJ, Residential Proximity to Abandoned Uranium Mines and Serum Inflammatory Potential in Chronically Exposed Navajo Communities. *J Exposure Sci Environ Epidemiol* (Jan. 25, 2017), available at <https://www.ncbi.nlm.nih.gov/pubmed/28120833>. (0072-2-6 [Jantz, Eric])

**Comment:** Finally, the DEIS (at 3-84) mentions the Navajo Birth Cohort Study, but provides no summary of findings to date. The study, implemented by UNM in collaboration with SRIC, the Navajo Nation Department of Health and the Navajo Area Indian Health Service with original funding from the Centers for Disease Control and Prevention and most recently by the National Institutes of Health, has shown, among many things, that babies born on the Navajo Nation more than 25 years after the last uranium mines closed have elevated concentrations of uranium in urine at birth and increasing uranium levels in their first year of life. Statement of Dr. Loretta Christensen, chief medical officer, Navajo Area Indian Health Service, before the U.S. Senate Committee on Indian Affairs (Oct. 7, 2019). Rather than simply mention the study as if it has no import to the proposed license amendment, NRC staff should have taken the time to learn more about the methods and coverage of the study and its important findings for the effects of environmental exposures on child development and maternal health. (0072-2-7 [Jantz, Eric])

**Comment:** Comment Number: 16, Section: 3.12.5.2, Document Page: pg.3-84, Paragraph: Lines 21 and 22 Briefly mentioning that Navajo Nation has comparatively high rates of kidney, liver, stomach and gallbladder cancers (Navajo Cancer Workgroup, 2018) Did the Workgroup identify where the cancers were clustered? If so, why is that information omitted here? (0083-19-4 [Navajo Nation Environmental Protection Agency])

**Comment:** The impacts to the people within close proximity of the communities have already endured with their health and loss of lives, and this is not acknowledged or considered. (0083-2-16 [Navajo Nation Environmental Protection Agency])

**Comment:** 10.The New Mexico Environment Department (NMED) documented that the Puerco River has returned to pre-spill chemistry levels. However, long term use could cause human health issues. (0094-1-20 [King, Susan])

**Comment:** I had to talk about, a little bit about health, our health, you know. We never brought up maybe our health; how we live and what we breathe in every day. We were young kids; how we grew up there, and to this day right now, how cancer has taken a lot of our life from our relatives here with us. And cancer is never in our family, but it's taken a lot of our lives. (0096-38-1 [Leslie, Sibert])

#### **2.24.4 Public and Occupational Health - EPA Required Characterization and Risk Assessment**

**Comment:** C. Are The Radiological Studies That The NRC Is Basing Its Project On A Result Of Accurate And Modern Technologies? 21. Are there any radiological surveys that have been done more recently than the last decade? (0083-29-8 [Navajo Nation Environmental Protection Agency])

**Comment:** 23. Were modern technologies and standards for acceptable criteria used in the radiological surveys that the EIS is basing its project planning and mitigating measures on? 24. If there have been surveys done using the most current and accurate methods, then will the NRC turn over the reports to the NNEPA for review by their own choice of experts to be funded by the Trust money? (0083-29-10 [Navajo Nation Environmental Protection Agency])

**Comment:** K. A Toxicology Study Should Be Conducted The NRC's regulations in 10 CFR Part 20 specify annual worker dose limits, including 0.05 Sv [5 rem] total effective dose equivalent (TEDE) and dose limits to members of the public including 1 mSv [100 millirem (mrem)] TEDE with no more than 0.02 mSv [2 mrem] in any 1-hour period from any external sources. These public dose limits from NRC-licensed activities are a fraction of the background radiation dose, as discussed in EIS Section 3.12.1.1. As part of a required assessment under CERCLA, a UNC contractor conducted a dose assessment involving a hypothetical residential scenario (i.e., building a house and living there) for these areas considering existing contamination levels. The calculated annual doses range from 1.34 to 4.44 mSv [134 to 444 mrem] and the reported entire site annual dose is 3.81 [381 mrem] (INTERA, 2018) (EIS section 3.12.1.1). 103. The dose ranges calculated in this section are based on a lot of assumptions: the contractor used a hypothetical residential scenario (instead of the actual scenario of the RWPRC), the current assumed contamination levels (based on outdated surveys), and they fail to account for the fact that the suggested dose range is additive to background. Are we supposed to just take UNC's word on this? (0083-37-5 [Navajo Nation Environmental Protection Agency])

**Comment:** 9. Chemistry is discussed in Section 3.12.4, but it isn't clear if the text is referring to soils, sediments, or water. We believe that the reference is to mine waste sediments, and the concentrations are generally below regulatory levels. It would be helpful to see groundwater and surface water chemistry as well. (0094-1-19 [King, Susan])

#### **2.24.5 Public and Occupational Health - UNC Mill Tailings Impoundment**

**Comment:** current structural engineering can be accomplished to limit radon release to background levels. This Draft EIS dismisses that with the argument that radon is already being released at levels well above background so there is no need to correct the current impoundment structure, but rather just strive to keep it at the already elevated levels. (0083-2-9 [Navajo Nation Environmental Protection Agency])

**Comment:** 110. What is the recorded range of picocuries per gram radium Ra-226 at the UNC Mill Site? Please provide this documentation for review. (0083-38-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 43, Section: N/A, Document Page: 2-3, Paragraph: N/A What is the recorded range of picocuries per gram radium Ra-226 at the UNC Mill Site? (0083-8-3 [Navajo Nation Environmental Protection Agency])

#### **2.24.6 Public and Occupational Health - Radon Emissions**

**Comment:** Comment Number: 18-30, Section: 2, Document Page: pg. 2-9, Paragraph: 2 The 2nd paragraph.-Placing this material over all this will it impact the current methodologies being met to control the Radon? (0083-10-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 23, Section: 2, Document Page: pg. 2-19, Paragraph: 2 why is a Diagram of proposed Radon Protection Plan not presented within this context of the DEIS?? (0083-11-3 [Navajo Nation Environmental Protection Agency])

#### **2.24.7 Public and Occupational Health - EPA Endangerment Determination**

**Comment:** Comment Number: 23, Section: 4, Document Page: pg.4-23, Paragraph: 3 Endangerment to the public health or welfare or the environment as described in the EPA ROD would continue, resulting in temporarily MODERATE impacts to surface water from the potential of contaminated run off - if this is notated with the ROD and DEIS; how is the endangerment to the public health any different across the road?? (0083-15-4 [Navajo Nation Environmental Protection Agency])

#### **2.24.8 Public and Occupational Health - Long-term Performance Timeframe**

**Comment:** Comment Number: 21, Section: All Alternatives, Document Page: N/A, Paragraph: General There is language in the draft EIS that states the alternatives are meant to be effective for 1,000 years. Comment: The radionuclide contaminants will still plague the environment and still pose a threat to the public and the health of the people at RWPR after 1,000 years. (0083-21-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 44, Section: All Alternatives, Document Page: N/A, Paragraph: N/A Comment: in the draft EIS, there is language that states that the alternatives are meant to be effective for 1,000 years; just a comment that these contaminants radionuclides will still plague the environment and still pose a threat to public health after 1,000 years. (0083-8-4 [Navajo Nation Environmental Protection Agency])

#### **2.24.9 Public and Occupational Health - Human Health and Environmental Justice Impact Determinations**

**Comment:** D. The NRC Inadequately Evaluates Environmental Justice Impacts. The most fundamental aspect of evaluating the environmental justice impacts of the proposed action is evaluating the health impacts on the Community, which is inarguably an environmental justice community. However, the NRC's evaluation of health impacts, particularly the disproportionately large cumulative impacts on the Community, is inadequate. The DEIS's summary of public health issues (principally, § 3.12.5.2 at 3-83) relevant to the NECRM waste consolidation plan is superficial and incomplete with respect to regional health data and recent population-based health studies conducted in the Eastern Agency of the Navajo Nation. The DEIS also fails to describe completely and in detail the cumulative and chronic effects of exposure to historic mine and mill waste releases in the Church Rock Mining District. (0072-2-2 [Jantz, Eric])

**Comment:** When viewed through the continuum of contaminants present in the environment at and around mine sites with ongoing pathways of exposure - air (metal-laden dust particles), soil (metals and radionuclides), and water (metals and radionuclides) - these findings paint a picture of widespread chronic exposures to Navajo people living in the chapters with previous uranium mining, including in the Church Rock Mining District. The DEIS does not disclose these findings, leaving the impression that there is little or no evidence of public health impacts of uranium development in the area since 1950. In the case of the Church Rock Mining District, these exposures began with construction of the NECRM in 1968, the Kerr-McGee/Quivira Mine in 1972, and the UNC mill and tailings disposal facility in 1974-75. As the Community has reported, its occupancy of the valley between NECRM and the Quivira Mine dates back at least 100 years - long before the Government-backed uranium industry descended on the area. Thus, residents of the area have lived through the entire era of uranium development, exposed to mine wastes located literally up the hill or down the road from their residences. Bell, P, Nez B, Hood E, Keyanna T, Bell-Jefferson J, Henio G, Benally A, Living with Uranium Wastes for 50 Years and Four Generations - A Navajo Community's Perspective. Poster presentation at 10th

International Conference on Metals Toxicity and Carcinogenicity, Albuquerque, NM (Oct. 26-28, 2018); available at: [http://sric.org/uranium/docs/Bell\\_Nez\\_Hood\\_RWPRCA\\_poster\\_v6\\_102418.pdf](http://sric.org/uranium/docs/Bell_Nez_Hood_RWPRCA_poster_v6_102418.pdf). The NRC's failure to consider these ongoing impacts on the health of the Community and other nearby communities in the DEIS renders its environmental justice analysis inadequate under NEPA. (0072-2-8 [Jantz, Eric])

**Comment:** Comment Number: 2, Section: Executive Summary, Document Page: xix, Paragraph: N/A Environmental Impacts of the Proposed Action and Alternatives: "...The NRC staff also concludes that there are disproportionately high and adverse environmental impacts (but not human health impacts) to 32 minority and low-income populations that would likely result from the action alternatives." How was not human health impacts determined? Where is the science/data? (0083-16-2 [Navajo Nation Environmental Protection Agency])

**Comment:** G. Why Is Air Monitoring And Preventative Procedures For Dust Control And Wind-Blown Contamination Not A Priority In The EIS? The NRC staff also concludes that there are disproportionately high and adverse environmental impacts {but not human health impacts} to minority and low-income populations from past present, and foreseeably future actions {EIS Executive Summary xxiii). 61. How can the NRC conclude there are no human health impacts? (0083-33-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Document Page: pg. 5-46, Section: 5.12, Comment Line: line 9 and line 3, Paragraph: 1 Comment: lines state: (but not human health impacts) - comment- False!!!! Either alternative will create impacts to human health. (0099-3-8 [Navajo Nation Environmental Protection Agency Superfund Program])

## **2.24.10 Public and Occupational Health - Potential Exposure Pathways**

**Comment:** We believe there need to be safety precautions when handling the old mine waste as this can contaminate not only the workers but the area around it. The uranium is of concern as it can leach into the groundwater which would affect communities in the surrounding area and also harm any species that reside in the area. "The effects of the mine and mill tailings disposal on surface water hydrology would be similar to those associated with mining itself: greater storm runoff from disturbed land, including land, previously mined and used for tailings disposal" (Potential Environmental Effects of Uranium Mining, Processing, and Reclamation, 2012). To prevent unnecessary waste exposure "A thorough site characterization, supplemented by air quality and hydrological modeling, is essential for estimating the potential environmental impacts of uranium mining, processing [and reclamation] under site-specific conditions and mitigation practices" (Potential Environmental Effects of Uranium Mining, Processing, and Reclamation, 2012). Committee on Uranium Mining in Virginia. "Potential Environmental Effects of Uranium Mining, Processing, and Reclamation." Uranium Mining in Virginia: Scientific, Technical, Environmental, Human Health and Safety, and Regulatory Aspects of Uranium Mining and Processing in Virginia, National Academies Press, 2012. (0019-2 [Davila, Valeria] [Murrieta, Ana] [Urcadez, Austin])

**Comment:** Comment Number: 22, Section: 3, Document Page: ", Paragraph: 2 Livestock is still a primary user of this surface water. Therefore the ppl will also be affected should they consume. Some medicinal plants as well that grow there, Navajo(Dine) people use the plants for various uses, medicinal or for craft, depending on what may grow near. (0083-12-1 [Navajo Nation Environmental Protection Agency])

### **2.24.11 Public and Occupational Health - Legacy of Uranium Mining and Milling**

**Comment:** now that there's, you know, less than four or five families living there, your slides say that the public and -- and occupational health impacts are small. Those are only small because people aren't living there anymore. There are still people who do, but not as many as in the past. You're not taking into account the cumulative effects of this exposure over all these generations. (0002-7-3 [Shuey, Chris])

**Comment:** While I appreciate it is very costly to transport such waste off-site, that cost cannot compare to the costs borne by the local communities - and indeed, the Navajo Nation as a whole - over the past 70 some years. As is now recognized, the Navajo Nation and its people have suffered disproportionately from the legacy of uranium mining and processing on Navajo lands.<sup>3</sup> Many Navajo uranium workers and their families became ill, and many died, from diseases associated both with the uranium work itself and with living near uranium mines, mills, and waste dumps. The Navajo Birth Cohort Study has revealed that uranium and toxic metals remain in the Navajo environment and continue to be a significant concern. (0015-4 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** Comment Number: 20, Section: 3, Document Page: PG. 3-19, Paragraph: 2 public health? Why is that not included in the DEIS? We all are aware for years that RWPR health has been jeopardized by the impact left there by GE. (0083-12-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 56, Section: 4.12.1.4, Document Page: N/A, Paragraph: N/A There is currently discussion with NNEPA and federal partners on a 10 yr. plan. The Navajo Nation EPA Superfund Contaminated Structures program works with US EPA to address contaminated homes. (0083-9-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Document Page: pg. 5-3, Section: 5.1.1, Comment Line: line 14, Paragraph: 1 Comment: line states: EPA is evaluating these mines and address their health risks -comment- None of the community members testimonies or health concerns have been taken into consideration for this DEIS (0099-2-9 [Navajo Nation Environmental Protection Agency Superfund Program])

### **2.24.12 Public and Occupational Health - Alternatives Impact Analysis**

**Comment:** Furthermore, before selecting either the proposed action or the secondary Alternative 1B, NRC must further analyze and compare these two transfer methods. The draft EIS does not fully explain the pros and cons of each transfer method with respect to: (a) risk of accidents during transport and associated emergency response protocols; (0036-5 [Kenney, James C.]

**Comment:** Furthermore, before selecting either the proposed action or the secondary Alternative 1B, NRC must further analyze and compare these two transfer methods. The draft EIS does not fully explain the pros and cons of each transfer method with respect to:...(b) risk of air releases from the material during transport; (0036-6 [Kenney, James C.]

**Comment:** Furthermore, before selecting either the proposed action or the secondary Alternative 1B, NRC must further analyze and compare these two transfer methods. The draft EIS does not fully explain the pros and cons of each transfer method with respect to:...(c) length of time for project completion, which directly impacts nearby residents. See the discussion on "Public and Occupational Health Impacts" related to transfer of the material and radiological

exposure in Sections 4.13.1.2 and 4.13.2 of the draft EIS. Given the incomplete analysis in the draft EIS, NMED was unable to fully evaluate the two alternative transfer methods in terms of environmental and public health impacts. After further study and discussion with interested parties, including NMED, Navajo Nation and local residents, NRC must ensure the final EIS explains how the selected transport method will best protect both workers and the public from negative health impacts associated with transport and disposal of the material. (0036-7 [Kenney, James C.]

**Comment:** Sec 2.2, Alternatives Considered for Detailed Analysis, p.2-1, line 26: In the transfer of material, how will the levels of radiation be monitored and how will ore dust be contained from further contamination of the environment. (0094-2-11 [King, Susan])

### **2.24.13 Public and Occupational Health - Editorial**

**Comment:** Section 3.12.1 Radiation Protection Standards, page 3-77, line 22: There is a reference to Section 3.12.1.1. However, the document proceeds from Section 3.12.1 to 3.12.2 without a subsection 3.12.1.1 It is unclear whether a section is missing or whether the reference should be changed to 3.12.2.1. This should be modified accordingly. (0041-3 [Hauer, Lance])

### **2.24.14 Public and Occupational Health - Impact Analysis and Conclusions**

**Comment:** I am appalled by the repeated conclusions of NRC staff (likely not experts on epidemiology and human health) that there is no "public health threat" despite the massive amount of radioactive material in the area. (0069-13 [Campbell, Bruce])

**Comment:** There are emphatic denials (for instance in TABLE ES-1) about any public health threat from action alternatives in numerous places in the document, but another portion mentions "radiological impacts" to nearby native low-income communities (but then says "but no public health impacts). (0074-6 [Campbell, Bruce])

**Comment:** The EIS fails to acknowledge the risk to human health of retaining it on the Reservation. (0080-2 [Taylor, Joan])

**Comment:** NRC focuses narrowly on the radiological health impacts of its actions, and does not concern itself with the health impacts caused by uranium's chemical properties and the impacts of other heavy metals found in mine waste. (0100-6 [Commenters, Multiple] [Gordon, Susan])

### **2.24.15 Public and Occupational Health - Access Controls**

**Comment:** 3. UNC must expand security for all radioactive material storage sites to avoid unsafe storage, vandalism or releases. The information in the draft EIS regarding security only refers to the UNC Mill Site's construction support facilities that oversee security but does not define or explain how these facilities or security coverage will be used (EIS, page 2-10). The UNC Mill Site must maintain security at all locations where radioactive materials, including Principle Threat Waste, are stored, to safeguard against unsafe storage, vandalism and releases in addition to inadvertent trespass by the local public. (0036-12 [Kenney, James C.]

## **2.25 Comments Concerning Waste Management**



### **2.25.1 Waste Management - Requests for Changes to Other Actions Regulated by EPA**

**Comment:** PTW is required to be hauled off site. (0021-5 [Lee, Virginia])

**Comment:** Land Use, Land Ownership-Dispose all mining-related buildings at the NECR Mine Site properly at licensed facilities (0038-2-1 [Baheshone, Nona])

**Comment:** Why not when a truck load is filled with PTW transport it to its final destination. - Weekends have it put away appropriately or hauled off. (0083-10-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 5, Section: Proposed Action and Alt, Document Page: Pg. 2-4, Paragraph: Line 8 Nice to know that Principal Threat Waste will not be disposed at the the UNC mill site. They are not even going to move it over there (dispose it) for removal later? (0083-18-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 22, Section: All Alternatives, Document Page: N/A, Paragraph: N/A Properly demolish and dispose of all mining-related buildings at the mine. (0083-21-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 47, Section: All Alternatives, Document Page: N/A, Paragraph: N/A Disposal of all mining related building at the mine site should be demolished and properly disposed of at licensed facilities. (0083-8-7 [Navajo Nation Environmental Protection Agency])

### **2.25.2 Waste Management - Update Conditionally Exempt Small Quantity Generator**

**Comment:** Hazardous Waste Generator Classifications According to the Draft EIS, limited quantities of hazardous wastes (e.g., batteries and solvents from operating equipment and vehicle maintenance) are expected to be generated and would fall within state and federal guidelines applicable to Conditionally Exempt Small Quantity Generators. With the issuance of the Hazardous Waste Generator Improvement rules, hazardous waste generator classifications have changed. The term "Conditionally Exempt Small Quantity Generator" has changed to "very small quantity generators." Recommendation: Update the Final EIS to reflect the new nomenclature for hazardous waste generator classifications. (0040-6 [Priatelj, Jean])

### **2.25.3 Waste Management - Proposed Wastewater Management**

**Comment:** Comment Number: 34, Section: 3, Document Page: ", Paragraph: 4 Waste water add treatment to discharge. Will this happen at the UNC repository? (0083-12-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Document Page: pg. 4-25, Section: 4.5.4.1, Comment Line: line 25, Paragraph: 2  
**Comment:** CSWPPP- there is no where to take the hazard material. What would be the options of disposal should an accident occur with transport. This should be identified to a reader, not just CSWPPP. Has the NNEPA department responsible for SWPPP had the opportunity to review and approve the SWPPP(CSWWPPP)? (0099-1-4 [Navajo Nation Environmental Protection Agency Superfund Program])

## **2.25.4 Waste Management - Clarification of Activities Relating to Principal Threat Waste**

**Comment:** This is Marlene Perrett. My question is there will be some of the mine waste going off the site, is that correct? And what percentage of the waste will be moved off site?: And where will that go and how will it be transported? (0024-4-1 [Perret, Marlene])

**Comment:** How was that five percent determined out of that 1 million cubic yards of mine waste that was determined to be a high grade? What about if there's more, how is that five percent determined? Once you start digging, I worked there for eight years at the mine as an underground worker and I came to expect that when the mine was in operation, there aren't tons of piles and piles. And what if there's more than five percent that turns out to be high-grade ore? (0024-7-1 [King, Larry])

**Comment:** The DEIS states in its description of the proposed action (Chapter 2, Construction Activities) that during the mine waste excavation process, the PTW (waste with a higher level of radioactivity, exceeding a threshold of 200 picocuries per gram of radium-226) will be segregated from the lower-level (i.e., non-PTW) waste and staged, per EPA and UNC. The non-PTW mine waste, "as practicable immediately after excavation and without stockpiling, will be loaded directly into haul trucks, transported and emplaced within the mill disposal site." The PTW waste, on the other hand, will be segregated and staged and because it is outside the scope of this proposed action, and it might be useful to the reader to explain what is to occur with the PTW waste during this phase in the description of the proposed action (i.e., discussion of construction activities). The discussion of management of the PTW waste (segregation and staging on the mine site, and at some point transfer and disposal of this waste) is hindered in large part due to the complex regulatory frameworks that place some proposed action activities under NRC and others under EPA, implementing CERCLA. The Department recognizes that this distinction is difficult to explain as it is not easy to understand, even by people with some background in the areas of radioactive waste management and remedial actions for contaminated hazardous waste sites. Because of this, it would help the reader to have more explanation here. (0094-1-6 [King, Susan])

**Comment:** The resident asked what the term "waste management" meant. She also asked where contaminated waste would go and how the community would be kept informed on this issue. The NRC staff understood this question to be referring to management of the higher concentration mine waste at the site. (0097-15 [Community Member, Red Water Pond Road])

## **2.26 Comments Concerning Cumulative Impacts**

### **2.26.1 Cumulative Impacts - General**

**Comment:** The DEIS report goes into depth on cumulative impacts to the region with actions taken for residence. (0018-2 [Pederson, Mathew])

**Comment:** Cumulative impacts on the Navajo Nations land and people are taken greatly into consideration within the DEIS Cumulative Impacts section 5. Actions have already been undertaken to remove contaminated soils from residences surrounding NECR, Quivira and other mines property to the NECR Mine Site. Consolidating all of this waste to the NECR Mine Site for future removal was a good call. The residences removal was not greatly detailed or how it was transported in the DEIS but was referenced as appendix e (EPA, 2019e). (0018-9 [Pederson, Mathew])

**Comment:** There is continued concern about the radioactive contamination of the pipeline Arroyo and Rio Puerco from the Red Water Pond Road community to communities along the Rio Puerco, including the community members of Sanders Arizona. The "93 million gallons (gal) of tailings that flowed down the Pipeline Arroyo into the Rio Puerco River drainage system" from the UNC Dam break that occurred on Monday morning, July 16, 1979 could be considered small when compared to the combined 8 million gallons per day that were pumped from the NECR and Quivira Mines during the 19 years between 1967 and 1986. Community members along the Rio Puerco are advised to avoid using the wells near the river for any purpose because of contamination by heavy metals and radioactivity. In the 41 years since 1979, no process for comprehensive resolution of the Rio Puerco drainage contamination has been presented to the Navajo Nation residents and members. (0038-2-19 [Baheshone, Nona])

**Comment:** The current NRC DEIS should yield to growing demands for a broader analysis and long-term management plan for the multiple and synergistic environmental health effects of abandoned uranium mines (AUMs) on local Native American and non-Native communities. The exemplar is the Red Water Pond Road Community (RWPRC), which is situated between the NECR Mine, the associated mill tailings site, and the Quivira Mine. I encourage readers to move beyond the singular site-based analysis to a broader basin-wide analysis in order to understand the compounding environmental health risks and impacts imposed on these communities. (0081-6 [De Pree, Thomas])

**Comment:** No: 37, Figure: 5.1-1, Comments: Exclude Gallup Solar, Coal Mine, Humate Mine, Red Dog Mine, Navajo-Gallup Pumping Station, Active Oil/Gas Well & Potential Oil/Gas Well, Ambrosia Lake Uranium District. What is the purpose of the Reasonably Foreseeable Future Actions these areas have to be mentioned. (0083-25-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Future site remediation actions at the nearby Quivira Mine Site have the potential to generate additional public health impacts depending on the removal action alternatives that are selected once EPA completes their engineering and cost analysis. However, until that occurs, the remediation plans for that site and the associated potential 20 impacts remain uncertain (EIS section 5.13). 112. Since the planned action will leave the mine waste on site for 1,000 years or more, shouldn't the cumulative impacts from other projects be considered since these impacts could affect this action, possibly to the point of choosing another remedial action? (0083-38-9 [Navajo Nation Environmental Protection Agency])

**Comment:** Okay, yeah. Another thing, UNC, Kerr-McGee, they all made their money and left, forgot about the community around them. So, okay, if they could keep us in mind, (0096-8-1 [Murphy, Alfred])

## **2.26.2 Cumulative Impacts - Quivira Mine**

**Comment:** 1.1.1 UNC Mill Site (1.1.1.a) UNC operated the Church Rock uranium milling facility from 1977 to 1982 under a license issued by the State of New Mexico. Uranium from the NECR Mine Site (EIS Figure 1.1-1) and other local mines was processed at the mill facility, and residual materials (tailings) were placed in an impoundment. . . [pg 1-1, lines 32 to 35] 1.1.1, From the Dine Uranium Remediation Advisory Commission (1 of 2): The above information from the Draft EIS is included to describe the proposed alternatives, actions, and responsibilities. The Commission understands processed tailings waste from UNC mill site were placed at the NECR mine site, and that all or a portion of the processed tailings waste has been or will be moved back to the UNC mill site. The Commission remains concerned about the contamination on the Navajo Nation that may have resulted from the time the processed tailings waste was placed

within the Navajo Nation. This Draft EIS does not address the waste being moved a second time and returned back to the UNC mill site. (0038-1-2 [Baheshone, Nona])

**Comment:** 1.1.2 NECR Mine Site (1.1.2.b) ... Additionally, because tailings material from the UNC Mill Site had been previously authorized by the State of New Mexico for backfilling mine workings at the NECR Mine Site, residual tailings materials had remained in stockpile areas at the mine site that also required remediation. After the NRC assumed licensing authority over the UNC mill tailings, the residual tailings material at the NECR Mine Site was removed and transferred back to the UNC Mill Site tailings impoundment, and related facilities at the mine site were decommissioned in accordance with the NRC license (SUA-1475) . . . [pg 1-3, lines 27 to 33] 1.1.2 NECR Mine Site (1.1.2.b) 1.1.2, From the Dine Uranium Remediation Advisory Commission (2 of 4): The knowledge that uranium ore processed by the UNC Mill had been transported back to the NECR Mine Site was not widely recognized except for UNC reporting. Had the processed radioactive ore or tailings remained at the NECR Mine Site the U.S. NRC may have had additional oversight responsibilities at the NECR Mine Site. By moving the processed radioactive ore or tailings back to the UNC Mill Site, the U.S. NRC oversight at the Mill can provide the required agency oversight. It is not apparent in the Draft EIS if there was residual contamination at the NECR Mine site that could have come from the time the Mill processed radioactive ore or tailings resided at the NECR Mine Site. Moisture from the mill processed waste, precipitation and wind were potential drivers for distribution of contamination. (0038-1-5 [Baheshone, Nona])

**Comment:** 22. Provide to NNEPA additional information on the volume of backfill into the shafts and/or vent holes. To what depth was the backfill placed? Are there any records of this backfill activity, including three dimensional maps of the shafts? (0083-29-9 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 3, Section: 1. NECR Mine Site, Document Page: 37, Paragraph: 4 Provide to NNEPA additional information on the volume of backfill into the shafts and/or vent holes. To what depth was the backfill placed? Are there any records of this backfill activity, including three dimensional maps of the shafts? (0083-3-1 [Navajo Nation Environmental Protection Agency])

### **2.26.3 Cumulative Impacts - Historical Backfilling of Shafts at the NECR Mine Site**

**Comment:** I remember meeting with a grandmother on Red Water Pond during the winter. And she invited me in because it was cold outside. And she had little sheep and goats around her stove. And she started talking to me and she said to me, she said, (Diné language spoken), meaning my child, she said, before I leave this earth, I would really like to see the other side of the valley, but I can't. The reason why she was saying that was the Quivira Mine tailings was in her way of seeing the other side of the valley. And she would say that most of the time when I would pay her a visit. So those are my comments. I just really feel for the community because the impacts are great. It's not only due to the mine tailings. It's other impacts that the families are going through, like breaking up the families, having to move from where they grew up, missing the hills. You know, I've heard other statements of children wanting to go home but that's not possible for them. I know their parents are probably concerned about what kind of impacts they'll get back if they go back home as they're growing up. (0001-19-1 [Craig, Vivian])

**Comment:** Not only are you doing the Northeast Church Rock Mine waste piecemeal, but guess what, across the arroyo is the Kerr-McGee Quivira Church Rock one. The community, as I remember, about 15 years ago said, if we're going to clean these things up, let's do it all the same time. That's not the way it's happening right now. (0002-7-8 [Shuey, Chris])

**Comment:** The Quivira mine site is -- which is part of a Tronox settlement -- it's -- it has its own Superfund process, right? So it's going to go forward. GE has made it known that it's not interested in taking care of somebody else's liability for the uranium mine waste there. So -- but the government is still, once again, playing kind of -- you know, this -- this stretch it out as far as you can stretch it out game and hopefully people will just forget about it. (0002-7-26 [Shuey, Chris])

**Comment:** USEPA has no plan to remove the Quivira Mine wastes. (0031-2 [Commenters, Multiple])

**Comment:** "The action alternatives for the Quivira mines cannot be established until the engineering evaluation/cost analysis (EECA) is approved. Navajo Nation President Jonathan Nez's Statement on DEIS for Disposal of NECR Mine Waste at UNC Mill Site dated 4/12/2021, the principles provided by the Dine Fundamental Laws (NNC, Title 1, Ch2, §201 - §205), and the "Potential Mitigation Measures Identified by the Navajo Nation" in DEIS Table 6.4-1, should be applied at the Quivira mines. (0038-2-17 [Baheshone, Nona])

**Comment:** While the action alternatives for the Quivira mines cannot be established until the engineering evaluation/cost analysis (EECA) is approved, any selected alternatives need to include removal of the radioactive mine waste from the community. Any alternative selected for the NECR mine waste, including the Draft EIS alternative, should not preclude a similar action for the Quivira mines waste. (0038-2-21 [Baheshone, Nona])

**Comment:** Quivira Mine Site Engineering Evaluation/Cost Analysis The Draft EIS states that the EPA plans to complete an Engineering Evaluation/Cost Analysis (EE/CA) in 2020 to evaluate cleanup options for the Quivira Mine Site (pg. 3-80). We note that the EE/CA is now expected to be completed in 2021, as correctly noted on page 5-6. Similarly, the Draft EIS states that the EPA anticipates that the cleanup for Quivira would begin in 2022 (pgs. 5-6, 5-27, 5-42); however, cleanup is now expected to begin in 2023. Recommendation: In the Final EIS, revise the text on pg. 3-80 to include the updated timeline for completion of the EE/CA for cleanup options at the Quivira Mine Site. Revise the text on pgs. 5-6, 5-27, and 5-42 to include the updated timeframe that EPA estimates for the start of Quivira cleanup construction. (0040-7 [Prijetel, Jean])

**Comment:** I also see livestock roaming around the Quivira Mine. The fences always seem to be down, allowing the animals to reach the site. There is a grass stand on the waste dump that probably attracts the livestock. We don't know if this exposure to the livestock harms them or harms those of us who consume the meat. (0072-2-15 [Jantz, Eric])

**Comment:** Take responsibility and remove the Quivira Mine wastes! We want to see the Navajo Nation lead a multi-stakeholder effort to find suitable sites for the permanent disposal of uranium mines outside of the Navajo Nation. (0077-9 [Richards, Linda])

**Comment:** Okay. Earlier I mentioned, we were just talking about the boundary around the old UNC. Why can't Quivira mines be cleaned up at the same time? That way, and also, the best remedy is to haul it out of our backyard. Don't bury it. I know they're saying UNC land, but, as we mentioned earlier, it actually belonged some of The Nav People that used to own that land. I don't know how UNC got a hold of it and they're calling it UNC land. But just on the Quivira mine sites, why can't they be the Superfund? I heard they got a lot of money. (0096-13-1 [Murphy, Alfred])

**Comment:** Quivira side of the cleanup, hopefully, it won't take too long, and let us know when you guys decide to start construction on that. (0096-13-2 [Murphy, Alfred])

**Comment:** I've got a question on this boundary, this red on this map, this red boundary. You guys also mention the Quivira mines. There's still waste buried, like the No. 2 shaft, No. 1, No. 2 shaft. We also have Vent Hole shaft north, south of the area. Are they going to clean that up, too, or just inside the boundary, this red line? (0096-7-1 [Murphy, Alfred])

**Comment:** Okay. Yeah, because that No. 2 Quivira Mine and No. 2 shaft is very close to our community. And I know they didn't move it. They just covered it up with plants and grass on there and put a fence around it. I don't see nobody maintaining the fence. The grass is coming out of that. And like I said, our livestock's all around it. It would be nice if they can move that out, too, at the same time. Don't wait until another 100 years or 50 years, or we've got our kids and grandkids living there, the next generation, two-three generations now. (0096-7-2 [Murphy, Alfred])

**Comment:** Document Page: pg. 5-27, Section: 5.5.2, Comment Line: line 39-40, Paragraph: 3  
Comment: groundwater will still be impacted, and not resolved or moving forward to find a solution to the impacts of groundwater. EPA again to do oversight, why not Water Resources with the State or Navajo Nation, that funding could be placed in agency that wants to make the difference and find a solution. (0099-3-1 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 5-32, Section: 5.6, Comment Line: line 21-28, Paragraph: 2  
Comment: Quivira is constantly included in the DEIS, indication the future actions at the UNC Mill Site. Why is Quivira being included within this DEIS, has USEPA and the NRC. (0099-3-3 [Navajo Nation Environmental Protection Agency Superfund Program])

#### **2.26.4 Cumulative Impacts - Clarifying Comment About Reader's Guide**

**Comment:** A person asked for an explanation of the table (Exhibit E) addressing cumulative impacts that the NRC provided in its summary of the Draft EIS (available at <https://www.nrc.gov/docs/ML2029/ML20295A709.pdf>). (0097-16 [Community Member, Red Water Pond Road])

#### **2.26.5 Cumulative Impacts - Comments About the Crownpoint Uranium Project**

**Comment:** No: 38, Figure: 5.1-2, Comments: Not sure what the Crownpoint Uranium Project has to do with NECR. (0083-25-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Page: 5-24, Line: 2-6 Sentence: The environmental impacts of the licensed (but not constructed) Crownpoint facilities were documented in a 1997 NRC EIS (NRC, 1997). That EIS concluded that impacts to surface water from the proposed facility were not expected. Therefore, this facility, if constructed and operated, would not contribute significantly to cumulative impacts in the proposed project area. Comment: Qualify this statement with the concerns raised by the community of Crownpoint, and the organizations responsible for effectively shutting down this development - because their work is the reason this mine has not contributed to surface water contamination. Add a sentence saying the type of mine proposed, and why that would have the potential to impact water supplies. (0099-3-18 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Page: 5-28, Line: 16-18 Sentence: Thus, if construction and operation of the Crownpoint facility begins, impacts to groundwater are expected to be a minor and temporary

impact to the overall groundwater resources in the area. Comment: Mention that this mine proposes to utilize in situ leaching technologies to remove Uranium ore, and that the long term effects to the groundwater are unknown, not just "minor and temporary" (0099-4-1 [Navajo Nation Environmental Protection Agency Superfund Program])

#### **2.26.6 Cumulative Impacts - Impacts From UNC Tailings Dam Failure**

**Comment:** The Red Water Pond Road Community and many other Navajo communities have been severely impacted by the legacy of uranium mining on the Navajo Nation. The DEIS finds that there were serious impacts to groundwater, public and occupational health, and historic and cultural resources from past uranium activities at the NECR mine and UNC Mill Site. See id. at xxiii. Indeed, the largest hazardous waste spill in U.S. history occurred at the UNC mill site, when the earthen dam to the pond holding UNC Mill uranium tailings was breached.<sup>1</sup> The spill released over 1,000 tons of radioactive mill waste and 93 million gallons of acidic radioactive tailings solution into the Puerco River and traveled downstream through the Navajo Nation to the community of Sanders, AZ.<sup>2</sup> The negative consequences of this spill are still being felt today by residents in the immediate vicinity and in surrounding communities. (0015-1 [Navajo Nation President/Nez, Jonathan] [Navajo Nation Vice President/Lizer, Myron])

**Comment:** I am aware that the uranium mill tailings site that has been selected for relocating the NECR mine waste is located at the very same site as the Church Rock uranium tailings spill of July 16th, 1979, which was the most prolific yet unheralded radioactive spill in U.S. history. This nuclear disaster impacted the entire Rio Puerco basin at least as far as Sanders, Arizona (see the work of Teresa Montoya and Janene Yazzie). (0081-1 [De Pree, Thomas])

**Comment:** Page: 5-27, Line: 14-16 Sentence: The most notable release occurred on July 16, 1979, when the UNC Mill Site tailings impoundment dam collapsed, releasing approximately 350 million liters (L) [93 million gallons (gal)] of tailings into Pipeline Arroyo and the underlying alluvial hydrostratigraphic unit. Comment: This did negatively impact the groundwater, but it is not mentioned as a concern in surface waters. The release affected the Puerco River, as well as minor intermittent tributaries...the contamination could be remobilized from those streambeds so it is worth including in surface water impacts as well. (0099-3-19 [Navajo Nation Environmental Protection Agency Superfund Program])

#### **2.26.7 Cumulative Impacts - Concerns About Water Resources**

**Comment:** Water recourse future impact consideration was set to 1000 years in the future in section 5.1.2. This also shows detail on future groundwater impacts from incremental and cumulative impacts from the project which is considerable. This is not something that can be avoided because of the prior mining operation that was established by UNC and other uranium mining facilities within the region. (0018-10 [Pederson, Mathew])

**Comment:** Document Page: pg. 5-24, Section: 5.5.1, Comment Line: line 44-45, Paragraph: 4 Comment: line states: operation of the water supply project could impact Pipeline Arroyo and the Upper Rio Puerco River through spills or leaks from equipment at the pumping station - comment- this leads to the question of surface water being polluted, and the potential for embankments to breach. (0099-2-15 [Navajo Nation Environmental Protection Agency Superfund Program])

## **2.27 Comments Concerning Cost Considerations (Benefit-Cost)**

### **2.27.1 Cost Considerations - Financial Responsibilities**

**Comment:** the main problem is always the cost of removal (0001-3-1 [King, Larry])

**Comment:** Let's -- let's review a little history here. The -- the uranium industry came into that valley in the mid-'60s. United Nuclear got a contract with the old AEC to supply uranium to the AEC from what became known as the North East Church Rock mine. There was a 1959 Surface Access Agreement that allowed access for the holders of the successors to the Santa Fe Pacific Railway, which went from Newmont Mining to UNC -- United Nuclear. And that paved the way for the development of the shaft in 1968 and production in '68 and '69. So the first two years of production at North East Church Rock Mine were under old AEC contracts which, you know, put the Federal Government in the position of being the responsible party. Well, General Electric has lots of high-level enterprising lawyers and they figured out some time ago that the Governments share in the liability for the cleanup. So they went to court and got a settlement with the United States of America in which the Government -- which are all of us taxpayers -- are footed -- will be footing the -- a third of the cost of cleaning up the North East Church Rock Mine. (0002-7-4 [Shuey, Chris])

**Comment:** I would like to challenge you, NRC, to listen in that manner and respond in the same way. And I would also like to extend that to my federal counterparts at U.S. EPA. I understand the process that has been taken to get us to where we are, but clearly we've missed something here. We've talked about the means and how we identify the options, effectiveness, implementability, and cost, and yet, to my knowledge, we've not truly had a real discussion about cost and what those options would look like. (0024-2-3 [Yazzie, Dariel])

**Comment:** NRC must also hold UNC/GE accountable to address and pay for any ongoing issues and contamination resulting from the July 16, 1979 uranium spill. Cleanup of the UNC mine and mill needs to be immediate! The U.S. must not delay cleanup or base quality of cleanup on available funds. In order to do full characterization, cleanup, and monitoring of the contamination caused by UNC (both onsite and offsite), any additional funds needed should be provided by the ultimate responsible party, which is the United States itself. (0042-8 [Morgan, Leona])

**Comment:** My second comment is if this cannot be done, shouldn't the corporations that expose this this remediation at their own costs? (0053-2 [Vicente, Dan])

**Comment:** Comment Number: 15, Section: General, Document Page: N/A, Paragraph: N/A If the NECR mine site waste is disposed of at the NCR mill site, as proposed in this draft EIS, who becomes liable for the mine waste thereafter? (0083-20-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 26, Section: General, Document Page: N/A, Paragraph: N/A If the mine site is disposed of at the mill site, as proposed in this draft EIS, who then becomes liable for the mine waste? (0083-6-9 [Navajo Nation Environmental Protection Agency])

### **2.27.2 Cost Considerations - Limitations of Financial Resources to Address Impacts**

**Comment:** And the identification of indicating that this site itself it exists in an area that just doesn't bode well for the environment nor for the community. And I think when we look at it in that sense, we should be taking real steps towards addressing that impact. And it should go



beyond the dollar value that often gets thrown at us. It's going to be too much. It's going to cost too much. (0001-9-3 [Yazzie, Dariel])

**Comment:** And I understand that the government is going to constantly say that it's a money issue. It's -- things like that. But it's -- you know, it's -- it's a situation where, you know, what -- what are you going to put our lives at when it comes to a dollar sign? (0002-4-5 [Keyanna, Teracita])

**Comment:** In all the documents I review, in NECR, draft EIS, a lot of the feedback I get is that it's not part of the consent decree or part of CERCLA. Every federal law put into this EIS or other EISs, it seems like it's made and designed in such a way so it best suits how and where the money is spent. (0024-20-1 [Arviso, Alyssa])

**Comment:** Saving money is not a valid excuse for allowing radioactive waste to be dumped on anyone's land. Please listen to your social consciences. You must know that the Navajo have as much right to a healthy environment as the rest of us do. They should not pay for the mistakes of others. (0064-1 [Miller, Suzanne])

**Comment:** Please don't base the quality of cleanup on available funds. (0095-4 [Richard, Pamela])

## **2.28 Comments Concerning Mitigation**

### **2.28.1 Mitigation - Alternative Housing for Residents**

**Comment:** I do want to say that as Terry was beginning to talk about the community would like to move together to Black Standing Tree Mesa. And this is something that the EPA has refused to consider. And I encourage the NRC to consider this as something that could be part of the remedy. This would be building new homes in a sustainable manner. The community has a design plan that has been completed by architect students at the University of New Mexico. There are financial numbers applied to what could happen. And it wouldn't take that many -- that much money to make this a possibility. It would go a long way toward the healing that this community has requested, deserves. (0002-6-3 [Gordon, Susan])

**Comment:** So NRC, you could change the course of what has been happening to this community by making it possible and working with them to find a way to build housing for them and moving the community together to the Black Standing Tree Mesa. And if you want any more information about that, you can contact community members, or you can contact me directly. (0002-6-5 [Gordon, Susan])

**Comment:** So given all that -- given that the responsible party is getting, you know, a substantial benefit from not having to pay the full cost - that \$15 million to \$20 million that GE is saving off the cost of moving the North East Church Rock Mine tail -- mine waste to the tailings pile, could be spent on the one thing that the community has wanted for years -- and that's moving to Standing Black Tree Mesa and developing that site with the necessary transportation and utilities that are -- are needed, otherwise, you would be able to continue going around saying we can't move people, under the Uniform Relocation Assistance Act, we can't move people to places that don't have infrastructure. (0002-7-5 [Shuey, Chris])

**Comment:** In the meantime, you could change your alternatives. They are not adequate. One alternative needs to be the disposition of the community to relieve public health risks. And that's

where you get to the notion of developing the Standing Black Tree Mesa. (0002-7-13 [Shuey, Chris])

**Comment:** Include, as a protection of public health and the environment, the creation of the new residential area up on top of the mesa. (0002-7-21 [Shuey, Chris])

**Comment:** It -- yes, it's the same place. It's -- what? A mile and a half, as the crow flies. You know, two-plus miles by that winding road. It's to the north, northwest of the current valley. It's up on top. You know, the folks -- this is a traditional use area. The folks have an arbor. They have a -- it's already developed -- a little common area. And as Susan said, we connected the community folks at the Indigenous Design and Planning Institute at UNM -- back in like 2012 -- and they came up with these -- the students came up with these conceptual drawings of what an eco-friendly village would look like, right? So there are plans. They're very beautiful. They're quite creative. But you have to get access. And you have to create infrastructure at the top there. So there's -- if you extend the notion of a -- an eco-friendly village, I mean, good gosh -- GE makes wind turbines. You know -- there's a lot of wind out there. You know, a single, one and a half megawatt turbine to power much of the western half of the Eastern Agency, frankly. And then there's ways to create new road, or a -- an improvement to the existing road. There's -- ways to do water and waste water up there that are also sustainable. So it's not impossible. EPA just said we're not going to do it. (0002-7-23 [Shuey, Chris])

**Comment:** The community most affected by the NECR mine waste and the proposed transfer of the mine waste to the mill site is the Navajo Nation. They continue to be affected by the NECR mine waste that has been left there since 1986 when the mine closed down (Morales 2016). The EIS does not address the relocation of the residents during the proposed transfer of mine waste nor does it mention the recompensation of the Navajo Nation community. These are flaws in the EIS we suggest you make changes about. Include temporary/permanent relocation of Navajo Nation communities affected by the project acceptable to the residents to avoid further damage to their culture. They will be affected by the proposed action, therefore they need to be taken into consideration. Morales, Laurel. For The Navajo Nation, Uranium Mining's Deadly Legacy Lingers. 2016, <https://www.npr.org/sections/health-shots/2016/04/10/473547227/for-the-navajo-nation-uranium-minings-deadly-legacy-lingers> (0019-5 [Davila, Valeria] [Murrieta, Ana] [Urcadez, Austin])

**Comment:** why did we begin moving the community before the final decision had been made to go forward with this remedy of putting the mine waste at the mill. (0024-15-3 [Williams, Laurie])

**Comment:** If somebody decides that they're not going to move out of the community, the EPA has already stated that they will not help them either by winterizing their home or anything like that. They're just basically leaving somebody out in the cold, left to die. We're a community and we've been pulled apart. Some of us have been pulled away because we have children and we've made that decision. It was a hard decision, let me tell you that. It was very difficult for me to move away from home, and so with my family member who are still in the community. They're making their stand for the EPA to just say, you know what, that's your choice. I'm usually not one to cuss but it just feels like the EPA is just saying a big fuck-you to those people that are just at home where they belong, where they know that they belong. (0024-8-1 [Keyanna, Teracita])

**Comment:** I work for Navajo EPA superfund, you do not know, the NRC does not know the hurt we go through to accommodate our Red Water Pond families in trying to get home sites and trying to get right of ways and trying to get easements for them to apply for the voluntary alternative housing. And it's a lot of work, we have people on the voluntary alternative housing who are dedicated in trying to move everything forward to make the families feel comfortable in

moving from their homeland, where they were born, where they were just raised. Now, there's fences that are keeping them away from the site, that they have known to roam. This is very emotional for me but I'm there for the community to help them, everybody just to come together and listen to the community, especially for the Red Water Pond community. We have the Gallup utilities to work with, we have NTUA to work with, we have Navajo land Department to work with, we have BIA to work with, we have Fish and Wildlife, we have Navajo historic preservation. We just have hurdle after hurdle to try to make our family members of Red Water Pond comfortable in moving to another site that they were raised and I'm glad I'm there to help many people move, even though they don't want to move. (0024-9-3 [Craig, Vivian])

**Comment:** Alternatively, we ask that the U.S. EPA, NRC and General Electric, the current party responsible for the NECRM waste, collectively relocate our community to a culturally appropriate location identified by our Community. If the Federal Government refuses to create a serious and cogent uranium mine and mill waste policy, it should, as a secondary alternative, move Red Water Pond Road community members to a culturally appropriate location of their choosing. (0030-6 [Jantz, Eric])

**Comment:** 3. Alternatively, all parties responsible for the NECRM waste should collectively relocate the Red Water Pond Road Community to a culturally appropriate location of the community's choosing. (0030-12 [Jantz, Eric])

**Comment:** Navajo Nation lands surround the proposed project area {ES Figure 2.2-2}. Beyond the northeastern boundary of the proposed project area, the Red Water Pond Road Community is situated between the NECR Mine and the Kerr-McGee Quivira Mine {hereafter referred to as the Quivira Mine Site} and is within 0.22 km [0.14 mi] of the UNC Mill Site. The community is within the Coyote Canyon Chapter of the Navajo Nation. Generations in the community have farmed, raised livestock, and have used native plants for food, medicinal and ceremonial use, and livestock grazing. Many community members worked in the nearby mines when they were operating {Bell et al., 2019}. [Lines 11 to 15, Page 1-4 and Lines 1 to 4, page 1-5] 1.1.3, From the Dine Uranium Remediation Advisory Commission (1 of 3): Possible relocation of Red Water Pond Road Community Association residents is a topic of significant concern for many of the residents. When commenting on the Draft EIS, several residents have expressed to the Commission members that they would prefer any relocation to be at a culturally similar residential site to the Red Water Pond Road community, and not to a housing area in Gallup, NM. Some may have expressed similar concerns during NRC hearings. (0038-2-6 [Baheshone, Nona])

**Comment:** Section 1.4.3 of the Draft EIS identifies the "relocation of residents of the Red Water Pond Road Community" as an item with "Issues Outside the Scope of the EIS." Many Red Water Pond Road residents may not be aware of the statement that "Actions related to relocation of residents are beyond the NRC's regulatory authority" and that "a cost-benefit analysis of the impacts from relocating nearby residents to either Gallup, somewhere on the Navajo reservation, or a location farther away, are outside the scope of the EIS" as stated in Section "B.5.5 Alternatives - Relocation of Nearby Residents" within the Environmental Impact Statement Scoping Process Summary Report for the Environmental Impact Statement for the Disposal of Mine Waste at the United Nuclear Corporation Church Rock Mill Site in McKinley County, New Mexico (December 2019, page B18). 1.1.3, From the Dine Uranium Remediation Advisory Commission (3 of 3): The residents seem to be unaware that their concerns about relocation expressed during the NRC Draft EIS process may be recorded but will not be addressed because they represent actions beyond NRC's regulatory authority. Rather than having residents express sincere concerns that will not be addressed by the Draft EIS

responses, perhaps it would be preferable to clearly communicate the limits of NRC's regulatory authority directly to the residents, and to direct residents to communication with agencies who have the potential to address their relocation concerns. (0038-2-7 [Baheshone, Nona])

**Comment:** The residents of the Red Water Pond Road Community Association have expressed their concerns about finding a location where their lifeways can be respected, and their family and cultural traditions can be maintained. In recent years there have been advances in solar power, and communications systems that have made living in previously undeveloped sites possible. The Red Water Pond Road community members suggested a relocation site at Black Tree Mesa would be more culturally appropriate (sheep grazing, gathering herbs, near ceremonial grounds, umbilical cords are buried in area, etc.) than to live in a trailer in Gallup. All participating agencies should assist with relocation that maintains the Red Water Pond Road Community Association's hope for community and personal life balance. (0038-2-22 [Baheshone, Nona])

**Comment:** If the Federal Government refuses to create a serious and cogent uranium mine and mill waste policy, it should, as a secondary alternative, move Red Water Pond Road Community members to a culturally appropriate location of their choosing. (0039-4 [Commenters, Multiple] [Gordon, Susan])

**Comment:** 3. All parties responsible for the NECRM waste should collectively relocate the Red Water Pond Road Community to a culturally appropriate location of the community's choosing. (0039-7 [Commenters, Multiple] [Gordon, Susan])

**Comment:** 3. Alternatively, all parties responsible for the NECRM waste should collectively relocate the Red Water Pond Road Community to a culturally appropriate location of the community's choosing. (0066-3 [Frederick, Karl])

**Comment:** Alternatively, the Community demands that the Red Water Pond Road community itself be collectively relocated to a culturally appropriate location of its choosing. (0072-1-3 [Jantz, Eric])

**Comment:** In addition, this community has made clear requests that 3) All parties responsible for the NECRM waste should collectively relocate the Red Water Pond Community to a culturally appropriate location of the community's choosing. (0077-13 [Richards, Linda])

**Comment:** • Please honor their alternative proposal that all parties responsible for the NECRM waste collectively relocate the RWPRC to a culturally appropriate location of the community's choosing. (0081-12 [De Pree, Thomas])

**Comment:** DEIS says " federal agencies do not want the Red Water Pond Road families to be at their homes during the four year construction. Questions: Where will residents of Red Water Pond Road go? (0083-26-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Dine' Fundamental Law informs that Navajo people are deeply connected to lands where they grew up so residents of Red Water Pond Road will not have a place to go. This is the only place where they belong. During three Time Critical Removal Actions in 2005/2006 residents of Red Water Pond Road had to stay in Gallup hotels in Gallup three times. Residents were traumatized from these events. (0083-26-4 [Navajo Nation Environmental Protection Agency])

**Comment:** 120. The Draft EIS states " federal agencies do not want the Red Water Pond Road families to be at their homes during the four-year construction." Where does the NRC

suggest the residents of the Red Water Pond Road Community relocate? (0083-39-11 [Navajo Nation Environmental Protection Agency])

## **2.28.2 Mitigation - Mitigation Measures Discussed in the EIS**

**Comment:** Considering our ties to Mother Earth, simply providing so-called "modern" homes for the immediately impacted homes is not sufficient as need for total reparations of the lives impacted. And how many more such pathetic situations exist in all of our land??? (0053-4 [Vicente, Dan])

**Comment:** B. The NRC's discussion of Mitigation Measures in the DEIS fails to satisfy NEPA requirements. The NRC's mitigation analysis also fails to satisfy NEPA's requirements. The omission of a reasonably complete discussion of possible mitigation measures undermines the action-forcing function of NEPA and, without such a discussion, neither the agency, nor other interested groups and individuals can properly evaluate the severity of adverse environmental effects. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989). An agency must discuss mitigation measures in sufficient detail to ensure that environmental consequences have been fairly evaluated. *Center for Biological Diversity v. United States Bureau of Land Management*, 746 F.Supp.2d 1055, 1093 (N.D.Cal. 2009) (citations omitted); *San Juan Citizens Alliance v. Norton*, 586 F.Supp.2d 1270, 1291 (D.N.M. 2008). The agency may not merely list potential mitigation measures. *Id.* NRC's discussion of mitigation measures in this DEIS is nothing more than a list of potential measures GE could take to address the adverse environmental impacts of moving the mine waste to the tailings pile. See, Tables 6.3-1, 6.3-2, 6.4-1. NRC has simply listed proposed mitigation measures for different identified impact types without providing sufficient detail that would ensure the consequences of GE's proposed action are fairly evaluated. The line between an EIS that contains an adequate discussion of mitigation measures and one that contains a mere listing is not well-defined, but the essential test is reasonableness. *San Juan Citizens Alliance v. Stiles*, 654 F.3d 1038, 1054 (10th Cir. 2011). Detailed, quantitative assessments of possible mitigation measures are generally necessary when a federal agency prepares an EIS to assess the impacts of a relatively contained, site-specific proposal. *Id.*; compare, *N. Alaska Environmental Center v. Kempthorne*, 437 F.3d 969 (9th Cir. 2006). Conversely, when courts have upheld mere lists of mitigation measures, the circumstances were very different than they are here. For example, in *Kempthorn*, the Ninth Circuit upheld an EIS analyzing oil and gas leases in northern Alaska that listed general mitigation measures because the leasing plan did not approve any construction projects and did not involve on-the-ground disturbances. The license amendment requested by GE, in contrast, is a site-specific proposal, has actual, on-the-ground disturbances in the area that are being evaluated, and it is not a multi-step project. Hence, merely listing mitigation measures is inappropriate in this case. In the context of an EIS, an agency is required to discuss the extent to which adverse effects can be avoided by mitigation measures. *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1151 (9th Cir. 1998) (holding, in relevant part, that, without analytical data to support proposed mitigation measures, the proposed measures amounted to nothing more than a "mere listing" of good management practices) (overruled in part on other grounds). Without analytical data to support proposed mitigation measures, the court was not persuaded that they amount to anything more than a "mere listing" of good management practices. NRC should have provided additional detail regarding the proposed mitigation measures in order to provide the public with an opportunity to understand and evaluate whether the measures could effectively mitigate the impacts of this proposal. Additionally, an essential component of a reasonably complete mitigation discussion is an assessment of whether the proposed mitigation measures would be effective. *S. Fork Band Council of W. Shoshone of Nevada v. U.S. Dep't of Interior*, 588 F.3d 727 (9th Cir. 2009). The

mitigation measures provided by NRC mention nothing in regards to how, or whether, any given mitigation measure will effectively address the identified adverse impacts. NRC must discuss how effective any proposed mitigation measure would be if adopted. See *Neighbors of Cuddy Mt. v. United States Forest Serv.*, 137 F.3d 1372, 1381 (9th Cir. 1998) (reasoning that an agency's failure to explain where, how and when mitigation measures would be used and how the measures would be effective does not constitute the detail as to mitigation measures that would be undertaken and their effectiveness). (0072-1-6 [Jantz, Eric])

**Comment:** Further, the DEIS inappropriately relies on future plans of mitigation measures. NRC lists multiple mitigation measures that rely on the development of future plans, such as an EPA-approved Release Contingency and Prevention Plan, a Spill Prevention Control and Countermeasures Plan, and an EPA-approved Revegetation Plan. DEIS at 6-3 - 6-4, Table 6-3.1. Without knowing what these plans entail, any interested individual or group cannot evaluate the adverse effects of the proposed plan. The omission of a reasonably complete discussion of possible mitigation measures undermines the action-forcing function of NEPA and, without such a discussion, neither the agency nor the other interested groups and individuals can properly evaluate the severity of the adverse effects. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989). (0072-1-7 [Jantz, Eric])

**Comment:** Comment Number: 4, Section: 4, Document Page: pg.4-12, Paragraph: 1 wind and water erosion- how will the maintenance or upkeep of this future waste pile be conducted and by whom? (0083-13-11 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 45, Section: 4, Document Page: ", Paragraph: 5 implement an EPA approved RCPP. Once again mentioned but where can review this. It's a big concept that NNEPA needs to review, should anything happen its imperative that NNEPA is aware of how the mitigation techniques will be applied. (0083-13-13 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 6, Section: 4, Document Page: pg.4-14, Paragraph: 1 spilled mine waste - very minimal description of how a small spill would be responded to, is there actual process in place of how to this would be carried out and what form would be filled out to report, should a spill exist? (0083-14-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Mitigation plans are unrealistic and wholly deficient in their conception, additional correspondences reference in the DEIS were not available for review or easily available when requested from the governing agencies. (0083-2-11 [Navajo Nation Environmental Protection Agency])

**Comment:** Based on (i) the information provided in the EPA's approach to remove NECR mine waste described in UNC's LAR and the 95% Design Report (MWH, 2018), (ii) the satisfactory completion of the detailed EPA (CERCLA) and NRC (licensing) reviews as documented in the EPA ROD (EPA, 2013) and the NRC SER, respectively, (iii) the continued oversight by EPA and NRC established during the construction phase (monitoring for radionuclides in airborne particulates), and (iv) the information and the analysis of human health and environmental impacts presented throughout this EIS, the NRC staff does not expect adverse health effects to any population, including minority and low-income populations, from the construction phase (EIS section 4.12.1.1).] 6. How have the NRC mitigation measures from Table 6.3-2 been addressed? 7. Table 6.3-2 says a plan will be put in place as an answer to most of the mitigation measures- why aren't those mitigation measures part of the EIS? (0083-28-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 61, Section: 7.4, Document Page: N/A, Paragraph: N/A At this time, NNEPA does not have any additional mitigation measures other than the complete removal or all mine waste and tailings off the Navajo Nation and a way from the Navajo Nation permanently. (0083-9-14 [Navajo Nation Environmental Protection Agency])

**Comment:** Document Page: pg. 4-11, Section: 4.4.1.1 Comment: This section informs the reader of mitigated measures to take place. Question that comes to mind is who from USEPA or NRC is going to implement these mitigated measures take place throughout?? (0099-1-1 [Navajo Nation Environmental Protection Agency Superfund Program])

**Comment:** Document Page: pg. 4-11, Section: 4.4.1.1 Comment: This section informs the reader of mitigated measures to take place. Question that comes to mind is who from USEPA or NRC is going to implement these mitigated measures take place throughout?? (0099-4-2 [Navajo Nation Environmental Protection Agency Superfund Program])

## **2.29 Comments Concerning Safety**

### **2.29.1 Safety - Public Confidence After UNC Tailings Dam Failure**

**Comment:** So we already know the dam break and all that runoff and waste that went down, that was never addressed. So I think a lot of our Navajo people are suspicious of this tall work, you know, just seeing how the company has -- with that runoff. (0001-22-2 [Jenkins, Darlene])

**Comment:** You heard the communities saying this could result in a second Church Rock spill and I'm appalled at your slides. It just states dam failure. This was one of the largest releases of radioactivity in the world and you describe it in two words as a dam failure. (0001-4-5 [Morgan, Leona])

**Comment:** one of us from the community to its assistors on the outside have ever been able to walk that arroyo to inspect it for ourselves. I don't know if NRC ever got around to doing that. I assume that EPA did because they had the Superfunds authority for that site. But nobody in the community really knows what the integrity of that starter dam is. It didn't take -- only two years of operation of that starter dam at the South Pond to rupture because of differential settlement and the fact that they filled the South Pond too full, and the ashes of the acidic liquids on the -- the sands in the starter dam contributed to the differential settlement that contributed to the catastrophic release. We don't want that happening again. You cannot allow that to happen again. (0002-7-18 [Shuey, Chris])

**Comment:** Why do we think another spill like happened in 1979 would not happen if the mine waste is placed at the mill? (0024-15-2 [Williams, Laurie])

**Comment:** EPA's 2011 Community Update purported to use the most stringent uranium mine cleanup standard in the nation for NECR mine waste, but neglected to address the unlined mill waste impoundment that would form the foundation for the mine waste. This is the same impoundment that was breached in 1979. (0056-5 [Watchempino, Laura])

**Comment:** Piling 1,000,000 cubic yards of uranium mine waste on top of an unlined uranium mill tailings impoundment that previously underwent a catastrophic failure will increase the chances of future releases due to the additional load. NRC's preferred alternative is destined to lead to a compound failure, without any analysis of what protective measures should be put in place to mitigate future tailings dam seepage and erosion. The Pipeline Arroyo chute will be

ineffective to mitigate future releases of radioactive materials due to flooding and erosion. (0056-11 [Watchempino, Laura])

**Comment:** This "excellent" design is being added to an already FAILED structure and the only assurances that are offered to the local community are that "if it fails again , we will clean it up to EPA standards . This is at best an excuse and at worst the UNC's attempt at controlling expectations for a breach that is almost assured. (0083-1-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 13, Section: 2, Document Page: ", Paragraph: 1 Soil cover attenuation in this paragraph. -What are the current readings or evals of this? (0083-10-4 [Navajo Nation Environmental Protection Agency])

**Comment:** B. The History Of The UNC Mill And Its Uranium Tailings Impoundments Is Important To The Engineering Requirements For A Successful Project On July 16, 1979, an incident occurred at the UNC Mill Site when the tailings impoundment dam failed and released approximately 350 million liters (L) [93 million gallons (gal)] of tailings into the Pipeline Arroyo and Puerco River drainages and into the underlying alluvium (EIS Executive Summary xvii). 11. When were the UNC Mill site impoundments originally built, to what specifications and what was done to repair the dam breach? 12. Were the Tailings Impoundment operable prior to the New Mexico License? (0083-29-3 [Navajo Nation Environmental Protection Agency])

**Comment:** D. What Assurance Is There That The Impoundment Cover Meets Current Engineering Requirements? The final tailings area radon attenuation soil cover was designed to provide reasonable assurance that control of radiological hazards would be effective for 1,000 years and that releases of Radon {Rn}-222 to the atmosphere would not exceed an average release rate of 20 pCi/square meters (m<sup>2</sup> 15)/second (s), to the extent practicable, throughout the design life of the cover. The cover design also included a 0.15-m {0.5-ft } soil/rock matrix layer to protect against water and wind erosion (i.e., erosion protection layer) {EIS section 2.2.1.2). Evapotranspiration cover (ET cover). To meet applicable EPA requirements under CERCLA, the proposed ET cover was designed to limit the release of radon to the atmosphere to the same level as the existing tailings impoundment {i.e., so as not to exceed an average radon release rate of 20 pCi/m<sup>2</sup>/s). (see pg. 3-79). The average exposure rate across all the locations was approximately 21 µR/hr. For comparison, the aforementioned New Mexico average annual background dose rate from natural sources is 2.65 mSv {265 mrem} or approximately 30 µR/hr. The average radon flux in 1996 was measured at 5.7 pCi/m<sup>2</sup> per second, compared to the applicable NRC 10 CFR Part 40, Appendix A, limit of 20 pCi/m<sup>2</sup> per second (NRC1998) (EIS page 2-13 ). The existing clay radon barrier in the tailings impoundment would serve as the foundation for the proposed disposal site. This radon barrier would be modified in place by compacting the material to ensure it continues to meet NRC technical criteria in 10 CFR Part 40, Appendix A, for controlling radon flux from the mill tailings (EIS page 2-13). 27. Was the initial construction of the tailings area compliant with the siting criteria of mill tailings impoundments? 28. If so, what was the cause of the impoundment dam breach in 1979? (0083-30-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 30. Have there been mill tailing dikes safety evaluations done? Please provide those documents for review. 31. How was the dike area of failure repaired and documented? Please provide those documents for review. (0083-30-3 [Navajo Nation Environmental Protection Agency])

**Comment:** I have a question on transferring the waste from Church Rock over to the tailings area. As we all know, a few years back, the tailings area breached. I don't know how careful they were taking care of it. But, then, we go bury this stuff over there again. Through the years,



erosion, maybe a 100-year flood, and get all this waste going, contaminating the ground and stuff. (0096-1-1 [Murphy, Alfred])

**Comment:** And as I said before, you're just laying things on top of one another, one another, and you're forgetting that -- look what happened in Louisiana with Hurricane Ida. Those people who make levies, they don't work. There was another wave that impacted the area. See, we don't know things like that. Mother Nature is different. We don't see those things. We need to evaluate things properly and know that what we're dealing with is either helping us or either it's going to impact us differently. (0096-20-5 [Lewis, Roger])

### **2.29.2 Safety - EPA Remedy Selection and Design for Long-Term Effectiveness and Permanence**

**Comment:** 2.2.1 The Proposed Action (Alternative 1) (2.2.1.b) Additionally, because under the proposed action the NECR mine waste would remain at the UNC Mill Site indefinitely, the potential impacts associated with the long-term performance of the tailings impoundment with the added disposal site {containing NECR mine waste} after the closure of the disposal site are also addressed in EIS Chapters 4 and 5. [pg 2-4, lines 1 to 4] 2.2.1, From the Dine Uranium Remediation Advisory Commission (2 of 4): The Draft EIS does not propose the waste relocation to the UNC Mill Site as a temporary measure. Both the relocated NECR Mine Site waste and the UNC Mill Site tailings would together require management for long-term performance. (0038-1-8 [Baheshone, Nona])

**Comment:** Fifth, the DEIS fails to evaluate the long-term adequacy of the disposal cell. The DEIS does not contain an adequate discussion of the long-term adequacy of the existing mill tailings impoundment as a long-term disposal cell for both mill tailings and mine waste. NRC staff merely rely on EPA's conclusions regarding the long-term effectiveness and permanence of the remedy and conclude that the site is adequate because it will be subject to the use of previously NRC-approved designs, compliance with applicable requirements and provisions for long-term surveillance. DEIS at 4-4. Rather than discussing the long-term efficacy of the disposal cell, or examining the long-term integrity of the proposal, NRC simply states that staff expect to continue working toward mill site reclamation and expect the site to ultimately be transferred to a custodial agency that would monitor the adequacy of the site long-term. DEIS at 5-47. (0072-1-20 [Jantz, Eric])

**Comment:** Comment Number: 6, Section: 4, Document Page: pg. 4-4, Paragraph: 1 EPA addresses the integrity, etc etc. - where is the science of this integrity design, will this withstand the 1000 years that it will withstand? What type of evaluation method was used? (0083-13-5 [Navajo Nation Environmental Protection Agency])

**Comment:** 1. Will moving the mine waste release high concentrations of potentially harmful elements to the air or water? (0094-1-13 [King, Susan])

### **2.29.3 Safety - Effectiveness of Proposed Stormwater Controls, Erosion Controls, and Slope Stability**

**Comment:** this mine waste is going to be located and placed on top of a mine waste site that's been buried a few years -- several years ago. The compaction is never done. There's going to be ground movement. The liners for -- to hold all this waste in the pit -- it just is unstable ground in the first place. That's the reason why the dam broke back in July 16 of 1979 because this is not suitable geologically to build a structure and to think that it's going to not have any ground movement at all. (0001-3-2 [King, Larry])

**Comment:** This would -- the waste in question that would be piled on top of the Mill site would - - would just create another issue where -- a friend of mine describes it as a putting a rock on top of a pie that's in a soil tin pan. If you keep piling rocks on top of that pie, eventually it's going to ooze out. It's going to break the crust. It's going to break the lining -- the cover that's already there -- and it's just going to cause a big old mess. So I think it's pretty common sense -- which is something I have not seen the NRC demonstrate is common sense -- that this proposal is a bad idea. (0002-3-3 [Morgan, Leona])

**Comment:** Eventually, that 1 million tons of waste may end up like Gold King mine. The DEIS indicates there's studies from 1996 about the existing UNC mill-tailings but what about the present day? Where's the studies on that? (0024-10-4 [Martinez-Silversmith, Lee Anna])

**Comment:** ... The local and regional environments were impacted by the July 16, 1979 incident at the UNC Mill Site when the tailings impoundment dam failed and released approximately 350 million liters {L} [93 million gallons (gal)] of tailings into the Pipeline Arroyo and Puerco River drainages and into the underlying alluvium (EIS Section 3.12.1.2) . . . [pg1-1, lines 35 to 38] 1.1.1 , From the Dine Uranium Remediation Advisory Commission (2 of 2): This paragraph references the UNC Mill Site dam break that placed radioactive and chemical material in the Pipeline Arroyo and Puerco River from the mill site, through the Navajo Nation, through Gallup, NM and into the Nahata Dził NN Chapter, at Sanders, AZ. The radioactive and chemical contamination remaining in the Pipeline Arroyo and Rio Puerco River watersheds remains a concern for the Navajo Nation and the Commission. What is being done to address the contamination of the Pipeline Arroyo and Rio Puerco River? What measures are being taken to prevent future breach of tailings dams, or tailings filled embankments, or tailings placed within flood plains, floodways, or flood erosional envelopes of arroyos that are tributary to river systems? Addressing the Pipeline Arroyo and Rio Puerco River and measures to reduce risk of any future tailings breaches or arroyo channel incursions must be a condition to granting the NRC license amendment, if it will be allowed. (0038-1-3 [Baheshone, Nona])

**Comment:** 2.2.1 The Proposed Action (Alternative 1) (2.2.1.d) UNC proposes to install permanent stormwater controls for the proposed disposal site using existing swales and channels constructed on the tailing's impoundment, with improvements and supplemental controls where necessary. Pipeline Arroyo also would be stabilized using a reconstructed rock jetty with a riprap chute, requiring the excavation of approximately 381,100 m<sup>3</sup> [498,500 yd<sup>3</sup>] of soil and 37,000 m<sup>3</sup> [49,000 yd<sup>3</sup>] of sandstone (Stantec, 2019a). Stabilization is required for long-term viability of the proposed disposal site and the tailings impoundment, to address lateral southeastern migration of the arroyo that could erode the embankment. UNC stated that it designed the Pipeline Arroyo stabilization to account for a range of flood events, including the estimated peak rainfall intensity for several flood event durations and frequencies (Stantec, 2019a). [pg. 2-6, lines 34 to 43] 2.2.1 The Proposed Action (Alternative 1) (2.2.1.d) 2.2.1, From the Dine Uranium Remediation Advisory Commission (4 of 4): Stabilization of the Pipeline Arroyo is required for Alternative 1, with the NECR relocated waste and the UNC Mill Site tailings waste, and Alternative 2 that would have only UNC Mill Site tailings. The stabilization is required to protect the radioactive waste area from erosion caused by water flowing in the arroyo, transport of sediment in the arroyo, degradation of the arroyo bed, and the lateral migration of the arroyo banks at the waste storage area and areas upstream of the waste storage area. Failure of the arroyo stabilization could cause a large quantity of radioactive waste material stored adjacent to the arroyo to enter the Pipeline Arroyo during a time of significant flood flows. Any waste entering the Pipeline Arroyo during a major flow event is likely to be conveyed to the Rio Puerco. Stabilization of the Pipeline Arroyo is a primary function required to

prevent significant downstream contamination for the UNC Mill Site under Alternative 1 and Alternative 2. (0038-1-9 [Baheshone, Nona])

**Comment:** UNC proposes to install permanent stormwater controls for the proposed disposal site using existing swales and channels constructed on the tailings impoundment, with improvements and supplemental controls where necessary. Pipeline Arroyo also would be stabilized using a reconstructed rock jetty with a riprap chute, requiring the excavation of approximately 381,100 m<sup>3</sup> [498,500 yd<sup>3</sup>] of soil and 37,000 m<sup>3</sup> [49,000 yd<sup>3</sup>] of sandstone (Stantec, 2019a). Stabilization is required for long-term viability of the proposed disposal site and the tailings impoundment, to address lateral southeastern migration of the arroyo that could erode the embankment. UNC stated that it designed the Pipeline Arroyo stabilization to account for a range of flood events, including the estimated peak rainfall intensity for several flood event durations and frequencies (Stantec, 2019a). The NRC staff evaluated the Pipeline Arroyo stabilization plans in detail as part of its safety review, which is documented in a Safety Evaluation Report (SER) (NRC, 2020). [Lines 34 to 45, page 2-6] 2.2.1 [DURAC-b] From the Dine Uranium Remediation Advisory Commission (1 of 2): The Red Water Pond Road community is located on one of several tributaries of the main Rio Puerco watershed to the south. The permanent disposal cell is proposed to be located at the same area as the July 16, 1979 dam breach of the UNC Mill site tailings pond, when 1000 tons of radioactive mill waste and 93 million gallons of acidic and radioactive tailings wastewater flowed into the Rio Puerco, with radioactive contamination that traveled 80 miles downstream through the Navajo Nation. A. The Draft EIS did not report findings about the fluvial geomorphological stability of the proposed repository that will contain 1 million cubic yards of residual mine waste from the NECR mine. (0038-2-11 [Baheshone, Nona])

**Comment:** Third, the NRC does not take into account the effects of channel migration in its flooding analysis. According to the USGS, flood models cannot accurately simulate changes in channel form, which in turn affect hydrological behavior. USGS Fact Sheet at 4. Channels in the semi-arid regions are particularly sensitive to changes in precipitation and runoff, meaning changes in climate affect channel characteristics. Id. (0072-1-16 [Jantz, Eric])

**Comment:** Additionally, due to the already progressive erosion and undermining of the jetty causing the southeastward migration of the Arroyo towards the tailings embankment, and the fact that previous riprap installations have been dislodged and washed away by previous flood events (see, Fig. 1-2, above), stabilization via construction of a riprap chute is not enough. By NRC's own admission, this erosion could lead to stability issues with the disposal site (SER at 28) and the stabilization of the arroyo should, at a minimum, be done using Gabions (riprap enclosed in wire mesh) and anchored to the bottom of the wash to further strengthen erosion resistance. (0072-1-19 [Jantz, Eric])

**Comment:** The DEIS should evaluate the adequacy of the site itself, as it is, rather than assuming any long-term monitoring will be sufficient to identify and address potential impacts resulting from the modified tailings impoundment. Particularly related to long-term impacts to surface water, the DEIS merely states that these impacts "will be addressed" rather than evaluating the adequacy of the pile. DEIS at 4-21. In fact, NRC seems to not have yet determined whether the proposed amendments to the licence will adversely affect the capability of the existing tailings impoundment to conform to the long-term performance objective in 10 CFR Part 40, Appendix A, which must happen before any final EIS can be issued. This shortcoming could be particularly important, because as the DEIS indicates, the disposal cell area may be subject to flooding, including partial or complete immersion of the cell area. DEIS at 4-21, Fig. 4.5-1. (0072-2-1 [Jantz, Eric])

**Comment:** I provide this information because I am concerned that flood waters in Pipeline Arroyo will disrupt the dam holding the mill tailings. If that dam fails, we will have another Church Rock Uranium Tailings Spill like there was in 1979. With the mine wastes put on top of the tailings, even more contaminated wastes could be released to our downstream neighbors. (0072-2-13 [Jantz, Eric])

**Comment:** Third, I have observed the effects of water and wind erosion on the waste dump at the Quivira Church Rock Mine, which is located just east of the place where Red Water Pond Road crosses the Pipeline Arroyo and heads west. For years, I have seen the Rio Algom people repairing the erosion control structures on the side of the mine waste dump. It seems they do this every year or every other year. Stormwater runs off the mine waste pile, creating deep gullies in the waste pile. Wind blows the dust from the waste around our area. (0072-2-14 [Jantz, Eric])

**Comment:** The Diné Uranium Remediation Advisory Council (DURAC) has already vetted a major flaw in the waste consolidation project design: a jetty in an arroyo prone to dramatic flash floods that move rip-rap erosion boulders and barriers. (0081-4 [De Pree, Thomas])

**Comment:** Comment Number: 22-29, Section: 4, Document Page: pg. 4-18, Paragraph: 1 Possible that a heavy storm, the BMPs implement within Pipeline Arroyo could be overwhelmed. - in this case what are the mitigation measures that will be in place to help prevent this? Many time it has crossed my mind that this is another Gold King Mine spill ready to happen. Why place this waste next to arroyo which can potentially breach?? What has NM or EPA approved or advised. (0083-14-5 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 35, Section: 4, Document Page: pg.4-20, Paragraph: 4 the licensee would be required to visually monitor and report to NRC their observations- how often will this be, will it be a local NRC agent? Whats the current responsibility of the UNC mill licensee? In terms of reporting their observations/inspections of the mill site now, how many months or times a year do they inspect the mill site? (0083-15-1 [Navajo Nation Environmental Protection Agency])

**Comment:** The majority of the proposed project area has been designated by the federal Emergency Management Agency (FEMA) as an area of minimal flood risk with the exception of a portion of Pipeline Arroyo, as shown in EIS Figure 3.5-2 (FEM A, 2019). FEMA designated the Pipeline Arroyo floodplain as an area with a 1 percent chance of flooding annually or an area that would flood during a 100-year storm {FEMA, 2019; FEMA, 1998). The 100-year floodplain covers part of the existing tailings impoundment's North Cell, Central Cell, and South Cell. MWH Global (MWH) performed flood hydrology calculations for Pipeline Arroyo because flood measurements were not available. The MWH flood hydrology results indicated that the peak flow of a 10-year flood in Pipeline Arroyo would be 34.4 cubic meters per second (m<sup>3</sup> /s) [1,216 cubic feet per second (cfs)], a 100-year flood would have an estimated peak flow of 135.0 m<sup>3</sup>/s {4,766 cfs} and the estimated peak flow of the probable maximum flood, the largest probable flood for Pipeline Arroyo, would be 757.7 m<sup>3</sup>/s [26,759 cfs] (Stantec, 2019g; 16 INTERA, 2019) (EIS section 3.5.2;4). 96. Shouldn't the criteria to ensure stability and release be evaluated against scour, flooding, and possible dike/embankment failure? (0083-37-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 98. Given portions of the tailings impoundments are located in the 100-year floodplain, wouldn't it be pertinent to have an analysis done to assess the impact of the probable maximum flood (almost 6 times greater flow than 100year) on the impoundment stability, as well

as the erodibility of the affected cover materials? (0083-37-3 [Navajo Nation Environmental Protection Agency])

**Comment:** One person expressed concern about the jetty area and asked about what is being proposed and whether it would be safe. (0097-9 [Community Member, Red Water Pond Road])

**Comment:** One person expressed concern that the adding the mine waste could cause the mill tailings pile to cave in. (0097-10 [Community Member, Red Water Pond Road])

**Comment:** A person asked about the potential impacts from a major disaster such as an earthquake, given the presence of hazardous materials. (0097-12 [Community Member, Red Water Pond Road])

#### **2.29.4 Safety - Effectiveness of the Proposed Disposal Site Cover**

**Comment:** Variation in the mine waste, consisting of soil, waste rock, mine debris, and vegetation could lead to slumps in the mine waste cover and mill tailings compaction, similar to what has happened at the Bluewater Disposal Site in New Mexico. Characterization of each waste type is needed to assess the impacts of waste compaction. (0056-8 [Watchempino, Laura])

**Comment:** A. The NRC does not Adequately Address Potential Ponding and Pooling on the Consolidated Waste Pile. The preferred alternative proposes placing mine waste consisting of soil, waste rock, mine debris and vegetation on top of the existing mill tailings radon barrier and covering the consolidated waste with an evapotranspiration cover consisting of approximately three feet of cover soil and one foot of rock/cover soil mixture. Safety Evaluation Report at 62, Fig. 3; DEIS at 4-13. The DEIS cursorily states that the mine waste cover design, which includes a slope of 2 - 5 percent, will avoid ponding. DEIS at 4-13. However, even after compaction, the mine waste is heterogeneous, risking interstices, air pockets and other irregularities that could lead to settling, which in turn could lead to ponding and subsequent water infiltration and erosion. Indeed, even at sites where covered waste is homogeneous, such as the Bluewater uranium mill site, ponding is a persistent problem that has required active measures to mitigate. U.S. Department of Energy, 2020 UMTRCA Title II Sites Annual Report, Bluewater, New Mexico Disposal Site at 1-6 - 1-7 (Dec. 2020). The DEIS does not disclose or discuss any further mitigation measures to address ponding on the waste pile cover, e.g., active pumping systems, or increasing the waste cover's slope. Moreover, the DEIS does not include any discussion of the impacts if ponding or pooling occurs on the consolidated waste pile. For example, ponding or pooling could create a hydraulic head, pushing ponded water through the waste into groundwater. (0072-1-10 [Jantz, Eric])

**Comment:** B. The NRC Inadequately Evaluates Waste Cover Integrity While the DEIS evaluates whether the waste cover will withstand erosion from a severe precipitation event (DEIS at 5-36 - 5-37), the NRC fails to evaluate the waste cover's integrity in response to frost penetration, root infiltration and burrowing animals. Further, the DEIS fails to evaluate the waste cover's long-term (200+ years) integrity. Instead, the NRC relies on the Dwyer Engineering Cover System Design Report (ML19315A009)("Dwyer Report") to conclude the proposed evapotranspiration cover will maintain integrity for more than two hundred years. DEIS at 5-36 - 5-37. The Dwyer Report, in turn, relies on data generated from the Alternative Landfill Cover Design ("ALCD") project conducted by Sandia National Laboratory. Dwyer Report at 40. However, the ALCD project did not consider the long-term integrity of cover designs. The NRC's failure to rigorously consider long-term cover integrity is particularly concerning because recent research reveals that conventional mill tailings covers, similar to the proposed mine waste cover, are failing to maintain integrity after just thirty years. See, e.g., Waugh, Jody, Got It

Covered? Performance and Renovation of Disposal Cell Covers at DOE Legacy Waste Sites, Powerpoint presentation (April 21, 2009). Indeed, the Department of Energy Legacy Management uranium mill site at Mexican Hat, Utah, which has an evapotranspiration cover similar to the cover proposed for the consolidated waste pile, has shown evidence of erosion since 2016. U.S. Department of Energy, Mexican Hat, Utah Disposal Site Factsheet at 3-4. At a minimum, the DEIS should evaluate an alternative waste cover that includes a water storage layer that inhibits frost infiltration, an animal intrusion layer, a geotextile filter and geomembrane liner. See, Waugh, W.J, Richardson, G.N., Ecology, Design, and Long-Term Performance of Waste Site Covers: Applications at a Uranium Mill Tailings Site at 4, Fig. 1, RustGeotech/DOE-GJPO (1995). The above concerns notwithstanding, ultimately, the NRC has not meaningfully considered the engineering implications of covering mine waste on top of a tailings pile. Mine waste has physical characteristics much different from mill tailings, e.g., density, heterogeneity of materials, that may make consideration of covers designed for mill tailings, such as the evapotranspiration cover the NRC proposes, completely inappropriate. Neither the DEIS nor the Dwyer report appear to rely on any experiential research regarding covers for mine waste consolidated with mill tailings. (0072-1-11 [Jantz, Eric])

**Comment:** Comment Number: 17, Section: 2, Document Page: pg.2-17, Paragraph: 2 as composted cow or green manure or biosolids. Going to have a lingering odor? If so is the community aware. Has it been tested against ET cover? (0083-11-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 29. What is the reason for not using current scientific understanding and engineering technologies to design an ET cover that can better limit the release of radon? (0083-30-2 [Navajo Nation Environmental Protection Agency])

**Comment:** 36. There is no information on an understanding of the soil cover attenuation within this Draft EIS. As this information is important to a proposed path forward, how can the UNC present a Draft EIS that does not include it? How does the UNC propose to remedy this? (0083-30-8 [Navajo Nation Environmental Protection Agency])

**Comment:** 124. The licensee would be required to visually monitor and report to NRC their observations. How often will this be? Will it be a local NRC agent? What is the current responsibility of the UNC mill licensee? In terms of reporting their observations/inspections of the mill site now, how many months or times a year do they inspect the mill site? (0083-39-9 [Navajo Nation Environmental Protection Agency])

## **2.29.5 Safety - UNC Mill Site Compliance Status**

**Comment:** This facility endangers the local community and consistently fails the safety requirements put in place to determine its ability to run. (0010-2 [Verhulst, Johannah])

**Comment:** Comment Number: 40, Section: 2, Document Page: pg. 2-20, Paragraph: 3 Was the existing mill site already in compliance with NRC Federal Codes with reclamation on upkeep there existing? (0083-11-6 [Navajo Nation Environmental Protection Agency])

**Comment:** 14. Has the NRC taken the time to determine if the NECR impoundments meet modern engineering standards? 15. Was the existing mill site already in compliance with NRC Federal Codes and where are the records on this compliance? 16. One of these "1000-year" impoundments has already failed and cannot be expected to exceed maximum usage without modern standards being applied. Where are the engineering reports proving that this was done? 17. Where are the design plans for liners, soil compaction, types of soil used, dike designs and

construction details, water management, etc.? 18. How has the health of the impoundments been monitored over the years? (0083-29-5 [Navajo Nation Environmental Protection Agency])

#### **2.29.6 Safety - Suggestions to Add a Liner and Leak Detection System to the Proposed Waste Disposal Site Design**

**Comment:** B. The Draft EIS did not indicate whether environmental liners will be emplaced under the repository as mentioned to the Dine Uranium Remediation Advisory Commission by the Church Rock Chapter President. Protection from infiltration of water and release of water to underlying mill waste is important because the proposed long term disposal site will be located directly adjacent to a large tributary area that has an associated arroyo feeding into the Rio Puerco. (0038-2-12 [Baheshone, Nona])

**Comment:** I am aware that the proposed site for relocating the mine waste on top of the uranium mill tailings pile is unlined underneath, meaning there are scarce precautionary barriers between toxic substances and groundwater aquifers that have become quantitatively scarce and qualitatively contaminated, in addition to airborne proliferation and soil contamination. Because all of the former uranium mills in New Mexico are situated on top of major hydrological features - in basins, alongside rivers, on top of fractures and fissures that connect multiple levels of the groundwater system - the natural location of all of the uranium mill tailings piles in New Mexico remain geotechnically unsound. In other words, they are prone to erosion and drainage into the hydrological systems that are necessary for maintaining the pastoral and agricultural lives and livelihoods of Indigenous and non-Native communities; these people rely on the scarce water resources of the high desert Southwest. (0081-3 [De Pree, Thomas])

**Comment:** Comment Number: 13, Section: N/A, Document Page: pg.2-23, Paragraph: lline 30 We must insist on a liner and NOT a clay liner either. Liner only appears twice within the text; once in this paragraph "Construction of an above- ground, capped, and lined repository on the NECR Mine Site" and another time in section 3.12.2.2, page 3.79, line 16 referring to the old liners in the evaporation ponds in the south of the site. (0083-19-1 [Navajo Nation Environmental Protection Agency])

**Comment:** 32. For assurance purposes and added protection, installing a leak detection and collection system would be feasible. Not to be placed below the tailings impoundment but designed around the perimeter of it. Has the UNC considered installing a leak detection system around the impoundment? Why is this not in the Draft EIS? Groundwater protection is a priority and this Draft EIS does not in any way reflect that priority. (0083-30-4 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 18, Section: Construction Impacts, Document Page: 216, Paragraph: 4 For assurance purposes and added protection, would installing a leak detection and collection system be feasible, not below the tailings impoundment but designed around the perimeter of it? Groundwater protection is a priority for local land users and assurance that there will not be cause for water to leak from the impoundment due to pore space reduction from overlying mine waste. (0083-5-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 23, Section: Table for Mitigation Mea, Document Page: 356, Paragraph: rows 4 and 5 To prevent leakage from the tailing impoundments and in an alternative that places mine waste over the tailings, design and install a leak detection and collection system on the perimeter and/or beneath the disposal site. If feasible, install a liner beneath the tailings impoundment. Regarding Zones 1 and 3, consider installing a zeolite

system to prevent the movement and transport of a contaminant plume. (0083-6-6 [Navajo Nation Environmental Protection Agency])

#### **2.29.7 Safety - Waste Volume and Design**

**Comment:** 34. Waste volumes could vary widely and could result in significant final configuration changes- is there any confidence in the waste volume and how the design and risks could be impacted especially if volume increases significantly? (0083-30-6 [Navajo Nation Environmental Protection Agency])

#### **2.29.8 Safety - Control of Radon Gas Emissions**

**Comment:** 35. If the previous structure is not capable of meeting modern radon standards, then shouldn't that structure undergo improvements before any addition is even considered? (0083-30-7 [Navajo Nation Environmental Protection Agency])

**Comment:** 38. What assurances are given that "re-compaction" can achieve the radon limiting objectives and how is this evaluated? Please provide this documentation for review. (0083-31-7 [Navajo Nation Environmental Protection Agency])

#### **2.29.9 Safety - Effect of Proposed Construction on UNC Tailings Impoundment**

**Comment:** Comment Number: 7, Section: 2, Document Page: pg.2-13, Paragraph: 1 Removing the existing layer and leaving open to atmosphere is considered safe? Where is the supporting science/data for this? (0083-10-9 [Navajo Nation Environmental Protection Agency])

**Comment:** 107. Where is the study and subsequent data for the hazards related to leaving the containment open to the atmosphere during remedial activities? (0083-38-4 [Navajo Nation Environmental Protection Agency])

#### **2.29.10 Safety - Settlement Monuments and Radon Control**

**Comment:** Sec 1.3, p. 1-6, line12: Stantec Consulting Services, Inc. application for amendment of USNRC Source Material License SUA-1475 Volume 1 references NRC approved reclamation plan. In this plan it lists that nine settlement monuments throughout the reclaimed tailings disposal area, will be in the areas of greatest fill and softest foundation soil conditions. What kind of monitoring will determine that the design of the settlement will not adversely affect the radon barrier? (0094-2-7 [King, Susan])

#### **2.29.11 Safety - Evaluations of Flooding and Cover Infiltration**

**Comment:** The 100-year floodplain along the Pipeline Arroyo is next to the proposed disposal site. Given the monsoonal storms that are common in the area in the summer, mine waste so close to the floodplain could be an issue. In addition, flood hydrology calculations described in the report reveal that "the estimated 100-year floodplain and the estimated Probable Maximum Flood floodplain extents would overtop Pipeline Arroyo at the location adjacent to the proposed disposal site and encroach on the west and north edge of the existing tailings impoundment". In the Safety Evaluation Report for this site (referenced in the DEIS and available at the NRC DEIS website), the first paragraph on page122 indicates NRC is concerned about the evapotranspiration cover and recharge to the tailings impoundment, which would potentially introduce water to the tailings that could seep into groundwater. It appears that some of the assumptions in the model were not acceptable to NRC. The text specifically mentions a



constant coefficient of permeability. USGS is not familiar with this or what is being modeled, but model inputs are important to choose and justify. It also appears that there are large uncertainties with the model NRC related to the model assumptions. The Department suggests that NRC revisit the groundwater model, make any appropriate changes, and run the model again to see what the results are, so that NRC is able to rely on its conclusions. (0094-1-10 [King, Susan])

## **2.30 Comments That Are Out of Scope or Other Issues Raised**

### **2.30.1 Out of Scope - General**

**Comment:** There have been water studies which included windmills and some have uranium that exceeded the mcl and some windmills were decommissioned. (0083-26-7 [Navajo Nation Environmental Protection Agency])

### **2.30.2 Out of Scope - Comments Regarding Yucca Mountain**

**Comment:** I oppose any shipment of nuclear material to a central storage site. I oppose Yucca Mountain being used as a storage site or any other site where nuclear material has to be shipped. H.R. 3053, the NUCLEARWASTE POLICY ACT AMENDMENTS OF 2017. This bill is authored by Rep. John Shimkus (D.16 IL.), and has 7 Illinois co-sponsors at present, mostly those with nuclear plants in their districts or close ties to Exelon. Action on the bill had been postponed. This bill would provide funds and plans to restart the demonstrably faulty Yucca Mt. project in Nevada; and would also begin the process and funding of "centralized interim storage" (CIS) facilities - allegedly "temporary" high-level radioactive waste (HLRW) storage facilities - operated by private companies (Illinois may be a potential candidate for one, BTW). Several sites are being targeted in West Texas and Southeast New Mexico. Both the Yucca project and the CIS facilities would result in massive numbers of shipments of spent reactor fuel traversing the nation's deficient roads and rails, and possibly waterways. (0054-1 [Greene, David])

### **2.30.3 Out of Scope - Opposition to Nuclear Technology**

**Comment:** It is crucial to stop all nuclear power plants and weapons production. The known and unknown damage of radiation poisoning is not worth it for now and the future. (0035-1 [Gromoll, Norda])

**Comment:** I am tired of our tax dollars being spent on arms and the military. PLEASE correct this horrendous situation here in our own country. We have wronged the indigenous peoples far too long and I feel really ashamed of our government for not fixing this years ago. (0044-3 [Tache, Janet])

**Comment:** At what point do we take human life into consideration rather than further creating more weapons of mass destruction that not only hopefully wont get used but through the creation of such weaponry we are still destroying land and human life of the people we seek to be protecting???. (0088-1 [Silverman, Marc])

**Comment:** to avoid problems like this in the future, we should be eliminating nuclear technology and leaving its forever-dangerous radioactive materials in the ground where they belong. (0090-4 [Ohanian, Laura])

**Comment:** I recommend we not develop any more nuclear projects before we can safely use nuclear fusion for power projects. The GOP who are puppets of the Fossil Fuel industry are

destroying the planet with the outdated oil and gas dirty fuels, now they want us to believe them saying nuclear is a safe power source. Look at Chernobyl, three mile Island and all the other places we can't visit for tens of thousands of years. No, pass the New Green Deal and keep the GOP from positions of power and leadership, until we make this world a safe and peaceful planet, free of polluters (0102-1 [Anonymous, Anonymous])

#### **2.30.4 Out of Scope - Comparisons to Other Cleanup Sites**

**Comment:** I was listening to a presentation earlier regarding the Love Canal over in New York, I guess, how the whole process more or less kind of expedited and cleaned up to everybody's liking that was involved, especially the community. Now with that in mind, since this was a presentation by one of the U.S. EPA groups or whoever it was, now how is that site, Love Canal over in New York City, different from this site? (0001-18-1 [Lee, Danny])

**Comment:** Why then would a similar site in Moab, Utah, in the flood plain that that site existed in, that site is being relocated entirely. How does that work in the sense of we have similar scenarios that exist and the impacts to human health definitely exists? (0001-9-4 [Yazzie, Dariel])

#### **2.30.5 Out of Scope - Distrust of NRC and Other Federal Agencies**

**Comment:** And the fact that you are just reveals so much about your priorities, which frankly are not about protecting human health and the environment. And the precautionary principle states that, you know, we should no harm first, whether that be in approaching some kind of remedy for a cleanup issue or for moving waste. And I don't believe that the NRC has proven with this particular license amendment that harm will not be done, that more harm will not be done. (0002-8-3 [Shaughnessy, Eileen])

**Comment:** The science is questionable, oftentimes the science that is done is paid for by the companies that are poisoning us. (0024-19-8 [Boyd, Talia])

**Comment:** Personally, I believe your agency is totally corrupt and cares only about business and government and nothing about the people of this country - still less about people color and Native Americans. (0027-4 [Reade, Deborah])

**Comment:** There can be no argument against the fact that Native communities in the United States have borne more than their fair share of pollution, illness and death as a result of uranium mining and milling. This did not occur by accident. The continuing contamination of Native communities from uranium development is the result of conscious regulatory and policy decisions by the Federal and state governments. In the present case, the Federal government continues with this trend, making decisions that harm the Community and dictating those decisions, rather than listening to, the people most impacted. Here, the NRC is perpetuating a series of decisions that date back to the opening of the Northeast Churchrock Mine ("NECRM") and UNC Mill in which the voices of impacted communities are ignored and the economic interests of polluters are paramount. (0072-1-1 [Jantz, Eric])

**Comment:** The previous impoundment dam failure occurred despite the "approved engineering and plans" by the NRC assuring the stability and integrity of the impoundment dam in the first place. This failure has drastically contributed to the NNEPA and Navajo communities being mistrusting of the NRC, DOE, UNC, EPA and their assurances on any environmental, remediation activity. (0083-1-5 [Navajo Nation Environmental Protection Agency])

**Comment:** I thought that the EPA would improve after Trump's toady, Wheeler, was gone. Apparently not. (0085-1 [Ratcliff, Philip])

## **2.30.6 Out of Scope - United Nations Declaration on the Rights of Indigenous Peoples**

**Comment:** The conduct of the NRC and the EPA toward this unwanted pollution can be seen as a violation of sovereignty and human rights. This neglect is out of alignment with the 2007 UN Declaration on the Rights of Indigenous Peoples. The US support for the Treaty as detailed here, and I draw your attention to page 6 of this document <https://2009-2017.state.gov/documents/organization/154782.pdf> (0077-4 [Richards, Linda])

**Comment:** I will conclude by highlighting the relationship between the hundreds of thousands of abandoned mine lands (AMLs) in the United States and their impacts on Native America communities. It can be hard to see the forest through the trees, but we can clearly see tectonic shifts in the progressive "political correct" (PC), and the resurgence of Indigenous-led social movements in the twenty-first century. I admittedly have only a dim sense of the double-binds with which you deal - the rock and hard place - but I want to remind you that your decision in this case bears a weight of historical and international significance. To this point, an increasing number of legal scholars are recognizing that the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is growing legal "teeth" that can bite into U.S. federal government through procedural justice. (0081-13 [De Pree, Thomas])

## **2.31 General Comments of Concern or Opposition**

### **2.31.1 General Concern and Opposition - Concerns About Treatment of Navajo People and Indigenous Communities**

**Comment:** And it's just really shocking that the NRC expects the community to trust them in what they're saying when they have let this radiation seep and poison the people of the Navajo Nation for so long. (0001-20-2 [Moe, Tammi])

**Comment:** And in addition to this horrible proposal and what you all are doing to us, I mean, besides environmental racism and all of the comments that you've heard already in the transcripts from the last two meetings, this is unacceptable. You cannot approve this license amendment and you cannot allow White Mesa Mill to be continuing to take waste from all over the world. This is -- these are forms of environmental racism, but also genocide. (0001-4-12 [Morgan, Leona])

**Comment:** And it feels like sometimes the EPA just took advantage of getting whatever done. And it's unfortunate for us, but I'm just -- we just want it cleaned up. And this is something that has been plaguing our community for over 50 years and, you know, countless generations. And we've lost elders and we're losing people. And it's not just an environmental impact -- physical health impact. This is a mental health impact as well. It impacts our spirit as well and our traditional ties to the land. And these -- it goes against so many treaties and so many laws and, you know, you guys want to say things like, the Constitution -- this is how it is, this is how it is. (0002-4-7 [Keyanna, Teracita])

**Comment:** But my entire community is still for the cleanup. We still want cleanup. The only thing that really has a lot of us still on edge is the fact that the cleanup is basically just taking the waste across the street. And like I've said before, if this was a predominantly white neighborhood or community, it would have been cleaned up and it would have taken no time at all and it would have been quick, easy, for the community. And it would have been completely

away from the community, where the community wouldn't have to worry about danger. And you know, that environmental racism, it -- it hurts. It still hurts. Being treated as if we were expendable is still hurtful. Having to move and feel like our ancestors, where they had to be moved from one location to another, it hurts. And in my case, it was dangerous and I almost lost my son. And I'm just -- I'm tired of waiting. And my community is tired of waiting. But our elders of the community don't want to leave the community because they are so afraid that if they leave, the uranium industry is going to somehow muscle its way back into our community. And so, the voluntary move is -- it's good, but it's bad. And it's really unfair because the EPA just says, if you're not moving, then we can't help you at all. And so it's -- it's really unfair if they decide that they're going to stay home and protect their land -- protect what's supposed to be going to the next generation and the generation after that. The EPA won't help winterize homes and, you know, just help out with some infrastructure. Even just getting that communication, you know, between our community and just getting internet availability, again -- like we did before -- would be a step forward for things like that so that they can also have this opportunity to say something and be able to be given a voice -- especially now because this pandemic has really changed a lot of things and for me -- and me living in that community almost all my life, it's -- it feels like everything just fell on me and I just -- I feel it and -- I can feel that hurt that my aunts and my uncles have. And they can't say anything because they don't have the availability to do that. And some of them are under quarantine because of the sickness that's going around. And it's scary because they're already -- you know, they already have a compromised immune system. And this whole pandemic has put my whole community on the edge of its seat because we're always so worried about getting sick now. (0002-4-9 [Keyanna, Teracita])

**Comment:** i do not think the plan to cover more of new mexico with nuclear waste is a good one since poison can last thousands of years. i also note the navajo nation is right near by and they have good caused to be concerned about their water and health. we need to investigate this muc more than this light look at this horrible issue. (0009-1 [Public, Jean])

**Comment:** This is the largest accidental release of radioactive material in the United States, and its terrible impacts are still being felt by the Diné. Three times as much radiation was cumulatively released there than at Three Mile Island?and yet, because of environmental racism, it is still largely unknown. I have only just learned of it. (0011-2 [Kirschling, Karen])

**Comment:** We are writing about the concept of dumping uranium tailings in the Navajo reservation, a place we visit every year with our tourist dollars. Please consider the views of the Navajo people and do not further insult them by dumping nuclear waste. It's enough that they were moved to land in the middle of the dessert. (0020-1 [Morris, Sue and John])

**Comment:** Having handled radioactive waste on Navajo lands so carelessly and irresponsibly after WW II, in addition to the terrible 1979 Church Rock tailings breach, it is an outrage that the U.S. government would propose to do further damage to the health of Navajo residents by dumping more radioactive mine waste there. Anyone involved in this proposal should be deeply ashamed, as I am for you as a U.S. citizen and taxpayer. (0022-1 [Woodcock, Charlene])

**Comment:** Seriously folks how do you sleep at night knowing that these proposals, neither of which you should even be allowing, are the last thing you should be doing to the Navajo Nation. Their reservation isn't this mine companies dumping ground and this company knew how toxic what they were doing was/is yet they couldn't be bothered to make sure their first radioactive waste site was secure resulting in permanently contaminating the Puerco River. If anything you should refuse both proposals in order to make them pay for their first mishandling of their toxic

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waste, after all \$249 million is getting off pretty lightly considering the offense. (0023-1 [Hanns, Sean])

**Comment:** Their reservation is their home - all of it! It's about time for the USA to stop treating them as if they don't exist. It's also about time for the NRC and the EPA to try and live up to their purpose and not be the lap dogs for such an uncaring mine company that dares to ask you to give them a "discount" as a reward for such negligent behavior. Don't even ask me how the EPA thinks it can pretend that "potential threat waste" isn't exactly that. (0023-3 [Hanns, Sean])

**Comment:** I'd like to say that I really don't think that the community from Washington D.C. and San Francisco, in terms of NRC and U.S. EPA, will truly ever understand where Navajo people are coming from when they say home. Our home is the Navajo Nation, our home is where we grew up in terms of the Red Water Pond community. That's where their ancestors are from...And it was sad to hear that in a meeting and to realize that they'll never be able to call Red Water Pond a home again due to the fact that of the uranium waste that is there. (0024-10-1 [Martinez-Silversmith, Lee Anna])

**Comment:** I would like to talk about someone saying that the mine was already contaminated. Well, not according to me because I was raised there, I herded sheep across the land, and it was very clean. We had cornfields, we had herbs that were clean and used by the medicine people. We used sandstone and rock to make the beautiful rocks that the Navajo women make and also, the medicine man took herbal plants from the ground and they used that. So, you cannot sit and tell me that it was already contaminated. It was contaminated when the mining industry came in and released that monster called uranium. It affected the water, the soil, the air, and our very lives. And for anyone to say that, no, don't say that because that is my home, that's why I'm still here and I do what I can to speak for my home. (0024-17-1 [Hood, Edith])

**Comment:** Good afternoon, everyone, I am with the Red Water Pond Road community, and I'm just sitting here thinking about the ten years that has been mentioned if there was no action and if the license is not approved. It may be another ten years, the waste is already there. In my community, 60 years ago the building community came in, started drilling and looking for uranium and then the mining started. So far we've been dealing with this, 60 years, and I'm just sitting here thinking another 10 years? We've lived here. If this happened somewhere outside the Indian community, we wouldn't still be talking about this. So, that's all the comment I want to make, thank you. (0024-3-1 [Hood, Edith])

**Comment:** No more dumping or radioactive tailings must be dumped on Indian lands. Especially on the Navajo lands who have suffered untold tragedies with so much pollution on their lands. This must stop. Absolutely no more nuclear waste dumping on Native American lands. New laws needed. (0025-1 [Council, Nina])

**Comment:** Do not dump on Navajo nation - this is yet another example of historic, racist American policy. (0026-3 [Commenters, Multiple])

**Comment:** I am very concerned that you are considering an EIS for the "cleanup" of uranium mine waste on the Navajo Reservation. I have heard that you are considering allowing this waste to be dumped within the reservation after removing its "potential threat waste" designation. This is an abomination and has nothing to do with true cleanup, which is expensive and time intensive and involves removing the contaminated waste from even possible contact with the public. (0027-1 [Reade, Deborah])

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**Comment:** The Navajo people have suffered for years from spills and radioactive exposures. (0027-2 [Reade, Deborah])

**Comment:** For you even to think of leaving this waste on the reservation shows that you have no true understanding of what cleanup means. It is common now for those who have created the radioactive mess (like the mine owners and the DOE) to re-define cleanup to include dumping the waste on the public or just moving it from one place to another, but leaving the public - in this case the Navajo people - trashed and exposed. (0027-3 [Reade, Deborah])

**Comment:** The weight of the United States' atomic history lies most heavily on Indigenous communities like ours. Since the dawn of the atomic age, our communities on the Navajo Nation have suffered from the natural resource destruction and public health catastrophe caused by uranium development. The U.S. Nuclear Regulatory Commission's ("NRC's") and U.S. Environmental Protection Agency's ("EPA's") treatment of our community in this context of consolidating uranium mine waste from the Northeast Churchrock Mine ("NECRM") with mill tailings at the United Nuclear Corporation ("UNC") Mill is emblematic of the Federal Government's continued mistreatment of Native communities and the utter disrespect for our communities', culture and sovereign government. Although saddened by Federal agencies' fundamental unwillingness to change the way the U.S. Government has treated Native communities since Europeans first set foot on this land, we are not surprised. We are under no illusion that expressing our concerns will unlikely result in any substantive changes to the U.S. EPA's and NRC's waste consolidation plans, but we insist that our voices be heard. As such, we again submit our opposition to General Electric's proposed license amendment that would allow NECRM waste to be dumped on top of the mill tailings pile at the UNC mill and ask that the Draft Environmental Impact Statement ("DEIS") supporting this waste consolidation be withdrawn. (0030-1 [Jantz, Eric])

**Comment:** Native Americans have suffered enough at the hands of the US government. STOP THIS NOW. (0033-2 [Cobb, Sandra])

**Comment:** I am appalled that you are considering allowing more nuclear waste to be dumped at Church Rock on the Navajo reservation. The reservation has already been contaminated by uranium and has an elevated rate of cancer. Please do not allow this nuclear waste dumping. (0034-1 [Tussing, Kathy])

**Comment:** A. This is the trend of many federal agencies where translations and interpretations do not provide fully functional communication and the agencies rely on Navajo government personnel as a means of public input and comments. B. Comments from the community representatives clearly state the grassroot people are not properly informed, and as a result have a reduced level of meaningful input into the proposed action for cleanup (onsite disposal), and their voices expressing opposition to both alternatives presented in the Draft EIS is not understood by the NRC or the US EPA. (0038-2-9 [Baheshone, Nona])

**Comment:** Continuing to cover uranium waste piles in place or near uranium-impacted communities is unacceptable as a matter of policy and of environmental and racial equity. (0039-3 [Commenters, Multiple] [Gordon, Susan])

**Comment:** I am appalled that Navajo families are being subjected to the toxic affects of uranium mine wastes deposited and mined through your agency. (0043-1 [Gardner, Rebecca])

**Comment:** I cannot believe, and I find it completely unacceptable that this community and other indigenous communities be exposed to toxic waste. It had gone on for generations, as you

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know. My family and I wonder how people can sleep at night, knowing that this atrocity continues. Truly it must stop, and now. (0044-1 [Tache, Janet])

**Comment:** NRC It is unacceptable that you would allow nuclear waste dumping on tribal land where people have sovereignty. Dumping would hurt the Navajo for generations You must protect people and the land. Do not allow nuclear waste dumping. (0045-1 [Barnes, Kathryn])

**Comment:** Given the long history of the many ways the Navaho nation has suffered as a result of actions by the U.S. government, I strongly oppose the dumping of nuclear waste material on Navaho land. Thank you for doing all you can to prevent this from happening. (0046-1 [Dehart, Jane])

**Comment:** Do not dump radioactive waste on the Navajo reservation. (0047-1 [Sholander, Graciela])

**Comment:** Navajo uranium miners experienced significantly high mortality rates of lung cancer, tuberculosis and respiratory diseases. Individuals living near uranium mining sites continue to have disproportionately high rates of disease directly linked to uranium exposure, including kidney cancer, bladder cancer, and stomach cancer rates up to 500 times the national norm. This is unacceptable. It is important to remember that uranium was mined and refined initially as part of a war effort in WWII- if we truly wish to celebrate those who make sacrifices for our nation, why are we not honoring those who provided uranium by ensuring they have access to clean land and water? Not only is it unjust, it tarnishes the name of our country. (0050-1 [Landrum, Amy])

**Comment:** Native people have lived there for more than one hundred years. Native people have been ABUSED by toxic mine wastes since 1969. (0052-1 [Anderson, Glen])

**Comment:** They want to survive and be healthy - both as individuals and in the ecosystem where they live. Repeatedly that have "worked within the system" by appearing at public meetings and hearings sponsored by the EPA and the NRC, but THE GOVERNMENT REPEATEDLY REFUSES TO LISTEN or to take humane actions. (0052-3 [Anderson, Glen])

**Comment:** The white mans' genocide of the indigenous people was not enough. Now you plan to poison them with nuclear waste? Do not plan to dump nuclear waste on the indigenous people! (0059-1 [Brown, Janice])

**Comment:** I am in complete agreement with the statements in President Rez's letter as indicated above. It is completely immoral and illegal to treat the sovereign Navaho Nation as a radioactive dump. (0060-1 [Gordon, John])

**Comment:** Native Americans have had enough abuse. (0061-3 [King, Dave])

**Comment:** To whom it may concern at the NRC. Native Americans have been brutalized enough by our government! Dumping toxic nuclear waste on their land would be yet another crime against humanity-directed at them! My message to the NRC is, " do not jump at Church Falls, New Mexico!! " (0067-1 [Lefcourt, Philip])

**Comment:** So not only has the Navajo Nation been ignored in regards to calling for the removal of "all contaminated materials from all UMTRCA sites", but now not only will the 3 cells of concentrated radioactive mill tailings at the UNC Mill Tailings site be left in place without a liner, but the proposal is to add the million cubic yards of mine waste from the largest AUM

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(Abandoned Uranium Mine) on Navajo land (the NECR Mine) to this already proven extremely dangerous (note huge spill of July 16, 1979) UNC Mill Tailings site to be placed "on top" of the other facility is a further insult to indigenous people, flies in the face of environmental justice, and is a gift to a reckless company responsible for the greatest nuclear disaster to befall the Southwest to this day. (0074-3 [Campbell, Bruce])

**Comment:** Please listen to the Red Rock Water Pond Road Community Association and do not dump any more contaminated waste water on the United Nuclear Corp. Uranium Mill Tailings Impoundment. It is time to stop dumping toxic waste on this land and to protect the health of ALL people. (0079-1 [Donn, Marjory])

**Comment:** Environmental Justice - the fair treatment of and the meaningful involvement of all people including people of color, people from diverse national origins, people whether they are rich or poor with respect to the development, implementation and enforcement of environmental laws, regulations and policies. The western New Mexico region is an area that bears the brunt of environmental degradation of land, water and air resources. This area comprise of Navajo people and their being of Native American culture with minimal education and below or near the poverty threshold. This population of should not continue to be subject to unsafe environment nor unsafe water resources. (0083-27-5 [Navajo Nation Environmental Protection Agency])

**Comment:** It makes sense that hauling all uranium mine waste away from Navajo Nation lands will get rid of risk from the mines. Navajo peoples lives are just as worthy as the lives of all U. S. citizens. Navajo lands are considered to be our "Mother Earth" and it should be pristine for our health and for the children who will be born generations from now. (0083-27-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Please: NO DUMPING ON NAVAJO. (0086-1 [Giese, Mark])

**Comment:** Please do the ethically right thing and do not further damage the health and safety of the Navajo people and Navajo Nation. (0089-2 [Yarbrough, Jim])

**Comment:** There is also concern for dumping waste on another Indigenous community. (0095-2 [Richard, Pamela])

**Comment:** All the information that has been given to us today, and we made comments on it with the understanding that we, as Pipeline Road, Rio Lobo Canyon Community, we are continuing to be in opposition to what is being requested that's going to be happening with the tailings (not understandable) and cleanup, and whatnot. But we do like to be considered as a community that we are there, and we should not be left without. (0096-35-1 [Whiterock, Jerry])

**Comment:** The continuing contamination of Native communities from uranium development is the result of conscious regulatory and policy decisions by the Federal and state governments. Here, the United States is continuing its policy of marginalizing Native communities. The NRC is perpetuating a series of decisions that date back to the opening of the Northeast Churchrock Mine ("NECRM") and UNC Mill in which the voices of impacted communities are ignored and the economic interests of polluters are paramount. (0100-1 [Commenters, Multiple] [Gordon, Susan])

**Comment:** We oppose General Electric's ("GE") proposed amendment to the UNC Mill license to allow NECRM waste to be moved there. We demand that the DEIS be withdrawn, and that the Federal government work with the Red Water Pond Road community, the Navajo Nation and, as appropriate, New Mexico government to generate a comprehensive policy to address



uranium contamination not only at Red Water Pond Road, but throughout uranium impacted indigenous communities in New Mexico. (0100-2 [Commenters, Multiple] [Gordon, Susan])

**Comment:** the NRC has ignored the perspectives and concerns of communities most affected by its decisions. The NRC now has an opportunity to finally uphold its obligations to a Native community, rather than continuing policies that result in unjust and inequitable results. The NRC should withdraw its DEIS and begin the NEPA process again, taking into account a reasonable range of options and working in true partnership with the Navajo Nation and Red Water Pond Road community. (0100-7 [Commenters, Multiple] [Gordon, Susan])

### **2.31.2 General Concern and Opposition - Calls to Stop the Environmental Review Process or Reject the Proposed License Amendment**

**Comment:** I'm kind of new to this issue, but my understanding is the Red Pond Community, who are mostly affected, do not approve of this solution. (0001-1-1 [Greenwald, Janet])

**Comment:** And then my second comment is that, you know, New Mexico, through time, but mostly recently, has become a dumping ground for all kinds of waste -- or sometimes it's proposed to be a dumping ground for all kinds of waste, most of it nuclear. And I wish that when public officials look for a place to dump whatever it is, whatever dangerous product that it is, that they would consider some other place other than New Mexico. (0001-1-3 [Greenwald, Janet])

**Comment:** I was wanting to make the comment that putting the waste on top of more waste doesn't seem to be a rational solution. New Mexico is filled with nuclear waste, radioactive waste, and that radioactive waste is very, very close to the neighborhood of -- the affected neighborhood. (0001-2-1 [Anonymous, Marlene])

**Comment:** I just wanted to, first of all, state my opposition to this proposal and urge you all, NRC people, to deny this license application. With the need for cleanup of the 523 abandoned mine sites on Navajo, this is obviously one of the most contaminated and one of the worst areas to -- that needs cleanup and it's been long overdue. In the intro, it was mentioned 80 years, but this site specifically has gone, you know, unaddressed for decades and it's a slap in the face to be pushed and have this proposal shoved down our throats. (0001-4-1 [Morgan, Leona])

**Comment:** And I understand, even, the different agencies don't agree with this plan. It's going to disrupt the existing mill cell where the tailings are sitting now. And I understand this has already -- apparently has been approved by USEPA and I really urge our Navajo Nation EPA to push for something better. (0001-4-2 [Morgan, Leona])

**Comment:** All of these issues are relative to your license amendment question at hand because this is not acceptable. What you all are doing is unacceptable. To put mine waste on top of mill waste in a floodplain, you heard all these comments last March. (0001-4-4 [Morgan, Leona])

**Comment:** You have no idea what our people are living with. I am not just insulted. I am incredibly -- it's just beyond words what this proposal is doing. I don't think you all understand the gravity of the decision that you all don't have to live with. So, please deny this license amendment because we need a better cleanup plan. (0001-4-6 [Morgan, Leona])

**Comment:** This is on your hands, NRC. This is your responsibility to deal with this mess, not create a future problem that people are going to be dealing with if the waste from the mill

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continues to -- if the mine waste on top of the mill waste becomes an issue in the future and then gets into the Puerco River. (0001-4-9 [Morgan, Leona])

**Comment:** You're going to have a bigger mess to clean up and it's imperative that you listen to everyone today, and on the 9th, and all the public comments, to really understand that this is not acceptable and you cannot approve this plan. (0001-4-10 [Morgan, Leona])

**Comment:** I want to say thank you for having the Navajo Nation involved, but this is a horrible plan and you all know that. So, do the right thing. Deny the license application. (0001-4-18 [Morgan, Leona])

**Comment:** my people here are opposing the amendment to the NRC license and I also oppose. And hearing them in the pain and trials that they've been through because of these actions, and even the current actions taking place, I would urge NRC to deny this amendment. (0001-6-2 [Perry, Jonathan])

**Comment:** And we've already seen how the Navajo Nation, Navajo people have been negatively impacted by decisions that have cost us many years. And so I'm asking NRC to listen to the locals, listen to the Navajo people and deny this amendment. (0001-6-4 [Perry, Jonathan])

**Comment:** I would urge you to please listen to the people, listen to the community, and understand that we all don't want this amendment to go forward and we ask you to please deny that. (0001-6-8 [Perry, Jonathan])

**Comment:** Today I'm asking the NRC to deny the license amendment that would allow disposal of waste from the Church Rock cleanup at the mine site, and second not to ship higher-level waste from the cleanup to the White Mesa Mill. I'd like to ask NRC to work with the Navajo Nation and the local community to find a better solution. (0002-1-2 [Shera, Katherine])

**Comment:** I also am calling for the denial of the application to dispose the nuclear waste there at that site (0002-2-1 [Jackson, Nicole])

**Comment:** First of all, to deny this license amendment as it is proposed. (0002-3-1 [Morgan, Leona])

**Comment:** our plan, as it is, is an incredibly long -- all of the documents, all of the -- it's a lot for folks to take in. And I've heard the community -- some folks asking for more information. And I think what the NRC needs to do is to take a step back, stop -- stop processing this application and -- and -- and do more meaningful dialogue with the Navajo Nation and the local communities, as well as education about this proposal. (0002-3-6 [Morgan, Leona])

**Comment:** This is unacceptable. So deny this license application. (0002-3-8 [Morgan, Leona])

**Comment:** So I am -- I -- I've -- I've listened last week, I listened today. And it's just -- it's just aggravating that -- that -- and we're not getting to the crux of the problem here. And I hope that you -- hope the NRC takes this and seriously considers going back to the drawing board. (0002-7-15 [Shuey, Chris])

**Comment:** I just want to begin by acknowledging that the site that we're talking about and this proposed license amendment is dealing with an issue of great contamination and great violence that originates with nuclear colonialism. And I'm stressed by the fact that the community who is most impacted by this issue and by this license proposal is calling for this to go no further. And I

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believe that those who are most impacted should have the final say in matters such as these. (0002-8-1 [Shaughnessy, Eileen])

**Comment:** and again, that indigenous communities, impacted communities should have the final say, and this license amendment should go no further. (0002-8-7 [Shaughnessy, Eileen])

**Comment:** First and foremost: DENY the License Amendment. (0007-1 [Anonymous, Jamie])

**Comment:** STOP this process until the international health crisis of Covid-19 is over and the local community can meet safely to dialogue on a more appropriate cleanup plan. (0007-7 [Anonymous, Jamie])

**Comment:** If your interest is to handle nuclear waste in an ethical way and protect communities within the US, particularly those that have often been mistreated by the government, it is necessary to deny the license amendment and work with the Navajo Nation and the local communities to find an alternative to transporting the waste to White Mesa Mill. (0010-1 [Verhulst, Johannah])

**Comment:** I am writing to urge you to put a stop to the plan to "clean up" the Northeast Church Rock mine by piling mine waste on top of the mill waste where the infamous 1979 Church Rock Spill occurred. (0011-1 [Kirschling, Karen])

**Comment:** Deny the License Amendment. (0011-3 [Kirschling, Karen])

**Comment:** Please do not grant the license amendment to the company set to dispose of the mine waste. (0021-2 [Lee, Virginia])

**Comment:** It's not right and so please just listen, it's not fair. (0024-8-7 [Keyanna, Teracita])

**Comment:** 2. The NRC should DENY General Electric's application to amend its license to allow for the consolidation of NECRM waste on UNC mill tailings; (0030-11 [Jantz, Eric])

**Comment:** 2. The NRC should DENY General Electric's application to amend its license to allow for the consolidation of NECRM waste on UNC mill tailings; (0039-6 [Commenters, Multiple] [Gordon, Susan])

**Comment:** Due to the lack of inclusion of any direct input from the most impacted and local community of the Red Water Pond Road (RWPR) which must live with the permanent contamination from United Nuclear Corporation's (UNC) uranium mining and milling operations, NRC MUST DENY General Electric's request for a license amendment to UNC/GE SUA-1475. (0042-1 [Morgan, Leona])

**Comment:** Please do the right thing and make a better plan! (0048-4 [LaCerva, Vittorio])

**Comment:** Please note that the Navaho reservation is NOT an appropriate place to dump nuclear waste from the Church Rock cleanup. (0049-1 [Silversmith, Linda])

**Comment:** I oppose the NRC's preferred alternative to consolidate uranium mine waste from the Northeast Churchrock Mine for disposal on top of mill tailings at the UNC/GE Mill Site for the following reasons: (0056-1 [Watchempino, Laura])

**Comment:** I am urging you to cease the dumping of radioactive material on Church Rock New Mexico! (0057-1 [Gill, Susan])

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**Comment:** STOP THIS PLAN! I thought we got rid of trump and his cult. Stop acting like he is still in charge (0058-3 [Landau, Doug])

**Comment:** It is unacceptable to move the uranium mine wastes onto a tailings pile in the same area. (0063-1 [Lundeen, Kelly])

**Comment:** 2. The NRC should DENY General Electric's application to amend its license to allow for the consolidation of NECRM waste on UNC mill tailings; (0066-2 [Frederick, Karl])

**Comment:** Regarding report number NUREG-2243: I stand with the Red Water Pond Road Community Association and the Navajo Nation in OPPOSING the proposed plan to cleanup the uranium mine spill. The proposed location for the waste is not suitable; it is in a floodplain and may lead to a second Churchrock uranium spill. NRC must deny GE's request for a license amendment to UNC/GE SUA-1475. (0071-1 [Commenters, Multiple])

**Comment:** The Nuclear Regulatory Commission must reject any proposed amendment to Source Material License No. SUA-1475 for former UNC Church Rock uranium mill site until there us withdrawal of the EIS and until a more holistic approach (rather than piece-meal) is taken in regards to radioactive material on the Navajo Reservation as a whole. (0074-2 [Campbell, Bruce])

**Comment:** Please DENY GE's application for license amendment that would allow Northeast Church Rock Mine waste to be dumped on top of existing mine tailings on Navajo land, which would be unacceptable due to erosion from flash floods nearby, thus exacerbating the harm the waste would have on the community. It is impossible to protect such materials from the impacts of such flooding for the requisite 1000 years! (0075-3 [Antonoplos, Barbara])

**Comment:** Why is this simple, straightforward request still not honored by the US decision-makers, the U.S. Environmental Protection Agency (USEPA) and U.S. Nuclear Regulatory Commission (NRC) for the last 15 years, despite numerous attempts to be heard in public meetings and hearings? (0077-6 [Richards, Linda] [Richards, Linda])

**Comment:** In addition, this community has made clear requests that 2) The NRC must deny GE's application to amend its license to allow for consolidation of NECRM waste on UNC mill tailings. (0077-12 [Richards, Linda])

**Comment:** • The NRC should deny General Electric's application to amend its license to allow for the consolidation of NECRM waste on UNC mill tailings. (0081-11 [De Pree, Thomas])

**Comment:** Comment Number: 11, Section: N/A, Document Page: The logo of the same booklet, U.S.NRC, United States Nuclear Regulatory Commission, Paragraph: "Protecting People and the Environment." The NRC is showing through their actions they are not living up to their logo of Protecting People. Racial Injustice! (0083-17-5 [Navajo Nation Environmental Protection Agency])

**Comment:** We no longer live in a time where the Federal Government can make decisions against the minority people who want to be heard. (0083-2-2 [Navajo Nation Environmental Protection Agency])

**Comment:** The NNEPA expects this Draft EIS to be fully rejected as it does not sufficiently consider any of the environmental impacts of these actions at any point in the document. Anything less than a rejection of this document is an endorsement of a pattern of disregard and

disrespect that has existed for far too long. (0083-2-14 [Navajo Nation Environmental Protection Agency])

**Comment:** WE WANT TO JOIN THE RED WATER POND ROAD COMMUNITY ASSOCIATION TO EXPRESS OUR CONCERN ABOUT THE PROPOSAL TO DISPOSE OF THE NORTHEAST CHURCHROCK MINE WASTES ON THE UNITED NUCLEAR CORP. (UNC) URANIUM MILL TAILINGS IMPOUNDMENT (0087-1 [Baker-Smith, Gerritt and Elizabeth])

**Comment:** In solidarity with the Navajo Nation, the O'odham Stronghold is writing this email to urge the NRC to deny GE's request for a license amendment to UNC/GE SUA-145 (0091-1 [Thomas, Marina])

### **2.31.3 General Concern and Opposition - General Concerns About the Proposed Project**

**Comment:** And the comment I have is really just something that the community has always expressed and that was to move all that waste out of that whole area. And GE and the EPA just kind of went with the technicality that GE owns that land right across the road from them. And so it feels really unfair, and it feels like the whole community was not listened to. (0001-17-1 [Keyanna, Teracita])

**Comment:** But we're just like on the fence of -- it's kind of how this whole situation is going forward. And we understand that a lot of people have been saying that we wanted off the Reservation. And technically it is. And our community was saying outside the community. And if you want to be technical about it, that is not outside the community. And, yes, I understand that there's these boundaries that say that this land is private land, checkerboard land, but really nobody really owns the land. Once you die, you're just part of the land. So that's how traditionally we see ourselves as part of the land. And so if we ask you to give up a piece of yourself, that's basically what you're asking the entire community. And I just want everybody to reflect and understand that's how the community feels. It feels like we're just being taken advantage of. And we're not expendable. And our community has been there for decades. And we have so many generations of family there, and we still have family there even though a few of us have taken the option to move. (0001-17-2 [Keyanna, Teracita])

**Comment:** But for us it just seems like it's taking so long, and it feels really unfair for my kids because they miss home, and they know where home is. And they constantly want to go back. And it's not possible. (0001-17-6 [Keyanna, Teracita])

**Comment:** And it really hurts as a parent to see that. And I just, you know, want everybody to understand and look through our eyes. You know, we've seen our whole landscape change. We've seen health issues get worse. We've seen our family members pass away, and a lot of the times, you know, it's from respiratory illnesses and internal organs just giving up. And I believe that's all the side effects that are happening to our bodies that we don't know medical terminology of what exactly is going on with our bodies when it's exposed to these heavy metals and these different chemicals in which the waste has been diluted or changed in different ways. (0001-17-7 [Keyanna, Teracita])

**Comment:** I guess what I'm asking is why is it really that the cleanup with this that is over there [Love Canal], and people are listening to you. And now you're going to kind of like sweep everything under the rug here [Church Rock]. That's what it's kind of like sounding to me, listening to the comments made earlier also. (0001-18-2 [Lee, Danny])

**Comment:** So, concerning this proposal, as was mentioned before, there is concern that piling the mine tailings on top of the mill tailings is not a very safe way to approach this (0001-7-1 [Gordon, Susan])

**Comment:** And I implore you to work, not only with the Navajo nation, but with the local community to find a just and equitable solution to a mess that the federal government is responsible for, as well as the United Nuclear Corporation and General Electric. This plan is -- it's a bad plan, but it also does not include what is really needed out there, which is a comprehensive solution to the problem, which as we've discussed previously, we've seen waste in other communities moved out and away from the community. Edith Hood, who is the matriarch of the Red Water Pond Road community, has stated time and time again that this is a slow process and she thinks that the government is just waiting for her to die so they can do whatever they want. And so please do not allow this problem to go on and on and on while we continue to lose our elders to -- because of problems created by the uranium industry. And what they are asking for is not just cleanup and to move the waste away -- and I am not talking about half a mile to another jurisdiction. The Checkerboard area is very complex, and the waste needs to be moved out of the community and the region as a whole. It is not acceptable to create another permanent waste site. This -- if NRC allows this, this is like another national sacrifice zone which could become, with all of the cleanup that is needed, if all the waste is just buried where it's at without moving it out, you're essentially making the Navajo Nation a national sacrifice zone for uranium mine waste (0002-3-4 [Morgan, Leona])

**Comment:** I just want to really just express from the community that a lot of them are tired of waiting. And it's -- it's unfortunate that we're -- sometimes it feels like we've actually just settled for whatever -- whatever we have been offered because this -- this whole thing has been in our community since, like, the 1930s when they started the exploratory drilling. And -- you know, it's -- it's been a very high impact to our community, not only physically, but spiritually and mentally and it -- it just seems like everything just keeps being pushed back, pushed back, pushed back. We were supposed to start this cleanup in 2012 and then here we are, eight years later and it's 2020 and we're about to end 2020. And still it's -- we're still sitting here, waiting. And it's -- this is something that kind of concerns me right now is that we -- we did take the EPA's offer to move us out of the community and we understand it's a -- it's a voluntary basis. And what we didn't volunteer for was the fact that these date changes were going to happen, and continue to happen. (0002-4-2 [Keyanna, Teracita])

**Comment:** And it just feels like everything was just against our community. Everything is with, like, a big, giant snag. And the community just feels really overwhelmed and we -- we want this cleanup to happen quickly and safely. (0002-4-3 [Keyanna, Teracita])

**Comment:** we've already sacrificed so many of our family members because of this uranium issue. We've lost family -- family members through different respiratory illnesses, cancers. Some of our family members are having trouble with autoimmune diseases and we can't even -- you know, for a long time we couldn't eat our livestock. And that was something that, you know, we always looked forward to. And now our livestock can no longer bear any lambs or kids and it's just -- it breaks our heart to see our flock go from 50 down to basically 1, right now. And it's -- it hurts -- it hurts my uncle mostly because those are his sheep. They were passed down to him from his mother, my late (Native term used), Katherine Duncan. And it -- it breaks my heart to see my family struggle and hurt and continue to keep fighting to just get their community cleaned up when it was something that they never asked for. It's something that we feel like the Navajo government needs to be held accountable for as well. And we just -- you know, we don't

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have the resources. We don't have the know-how to get all this -- all these different things in order. (0002-4-6 [Keyanna, Teracita])

**Comment:** Now having said that, we -- all of us are keenly aware of -- of the lose-lose propositions that the Federal Government, through the EPA and the NRC -- and even the responsible party -- has presented to this community, which is, stay there and suffer the continued chronic exposures that they've been dealing with for four generations. Or take the EPA's one-time housing benefit and move out (0002-7-2 [Shuey, Chris])

**Comment:** The crux of the problem is there's no place to take this stuff, and the Government is not accepting its responsibility as the responsible -- primary responsible party. This is not to let GE or any of the other responsible corporate parties off the hook. Not -- in no way. On the other hand, as I said earlier, they were smart enough to figure out that they weren't going to pay for the whole thing because they're going to bill the Federal Government. If that's the case, why isn't -- why isn't the community having the same kind of standing and elevation of its position? Because it doesn't have a \$1,000-an-hour suits running around. (0002-7-10 [Shuey, Chris])

**Comment:** I think we should wait for a while. I mean, you know, I know the community wants this done, but you know, as Terry said -- you know, this has been going on now for almost 20 years. I mean back -- keep in mind that the Northeast Church Rock Mine stopped producing uranium in 1982. It sat dormant for essentially 20 years until the State of New Mexico came in with its Mining Act authority and said, hey UNC, you need to have a reclamation plan. And then, when we were out there with Navajo EPA and some council delegates back in -- it was 2001, 2002 I believe, looking at the proximity of the waste dump to the people, the -- the late Arlene Luther, who was one of my heroes, sat there -- stood there and told all of us who were within earshot, we've got to do something about this. And so the -- they consulted with the Land Department, found out it was Trust land, got EPA involved, and that's where we are today. So that was -- that was 2002, 2003. We are now almost 20 years down the road. We have had this plan in front of us for quite some time and yet weren't -- you -- you're going to be lucky to get the first truck load, or conveyer belt load, of mine waste to the tailings pile in, what another ten years. (0002-7-12 [Shuey, Chris])

**Comment:** These comments are presented on behalf of concerned people of faith in McKinley County and the City of Gallup, including our neighbors residing in close proximity to the Church Rock site where 1 million cubic yards of radioactive waste from the Northeast Church Rock Mine Site are to be transported and disposed of on top of the unlined Church Rock Superfund Site. This is all taking place in our backyard so we have a clear and urgent responsibility to participate fully in what may adversely impact the health and wellbeing of our communities and sacred Earth for generations to come. (0005-2 [Cecchini, Rose Marie])

**Comment:** In these challenges times, as we make necessary changes in our personal lives and local communities to prevent spread of coronavirus, we are also aware of the urgent actions required of us as a country to address the Climate Crisis. These are serious, interrelated concerns for us in the Southwest, in the midst of decades-long drought. (0005-6 [Cecchini, Rose Marie])

**Comment:** Another thing is people moving from their home site, is this going to take longer than ten years why are we moving (inaudible) they say until it's ready to be worked on to be removed? So, right now, we're not very sure what to do sometimes. If it was you living there, what would you do? So, moving us people around and you don't know how long it's going to

take or if it's not certain how long it's going to be, why are you moving people? That's all I have to say. (0024-14-2 [Nez, Bertha])

**Comment:** What they are talking about Draft [EIS] that does not have the language like that. The location, UNC repository it is called. It is clear it was made for the mill tailings. Design and engineer are made that way for it. You probably remember (inaudible) how it was. The sand there was not always like that. That is how it is. It is like sand on the beach is how it looks. It just slides around. That is different, that is what it is called. What else was put there was metal and trash. They don't talk about that. Draft [EIS] does not have that language in it. (0024-18-2 [Yazzie, Dariel])

**Comment:** Over the past twelve years, we, along with residents of the surrounding areas, have testified on several occasions before the U.S. EPA that consolidating NECRM waste at the UNC Mill is unacceptable. We have reiterated our opposition to the waste consolidation in countless private meetings and correspondence with the U.S. EPA. We now - again - voice our opposition to this waste consolidation. Our community should no longer be forced to bear the overwhelming and disproportionate burden of uranium contamination. (0030-3 [Jantz, Eric])

**Comment:** • Since 2006, our group has advocated that uranium mine wastes be removed from our community to a licensed, offsite disposal facility to repair and restore our lands and health.

• We have appeared at countless public meetings and hearings sponsored by the U.S. Environmental Protection Agency (USEPA) and U.S. Nuclear Regulatory Commission (NRC) over the past 15 years to state our position that the wastes should be removed.

• Despite these pleas, USEPA and NRC both propose to move 1 million cubic yards of wastes at the NECR Mine to the top of the mill tailings pile, which is unlined and subject to potential effects of flash floods in the Pipeline Arroyo. (0031-1 [Commenters, Multiple])

**Comment:** The cleanup plan is insufficient. ... The plan to move waste across the highway is not cleanup at all, but rather the creation of a permanent radioactive waste dump located in a floodplain, creating the potential for a future uranium disaster not unlike the 1979 Churchrock uranium spill. (0042-2 [Morgan, Leona])

**Comment:** In terms of report NUREG-2243, I and members of my family strongly support a better plan for uranium clean up. (0048-1 [LaCerva, Vittorio])

**Comment:** As someone who has visited and traveled through the NW New Mexico region several times and is familiar with its fragile ecology, I am very concerned about the proposed mitigation for the Church Rock mine and mill wastes on the Navaho Reservation. With all the environmental and public health abuse we have heaped on the Navaho people over many decades of uranium mining, we owe it to them to "get this right" and come up with the most protective and mutually agreeable solution to dealing with these wastes. (0055-1 [Bogen, Doug])

**Comment:** In fact, the disposal of UNC mine waste with UNC/GE mill tailings amounts to the creation of a de facto permanent repository in the middle of Indian Country without the consent of the Navajo Nation or the Red Water Pond Road community members. (0056-9 [Watchempino, Laura])

**Comment:** You want to grant a license amendment to the company set to dispose of the mine waste, allowing it to dump waste within the Navajo reservation, a cheaper option than disposing of it off site. (0058-1 [Landau, Doug])



**Comment:** I find it reprehensible -- as well as a complete disregard for human health -- that the US EPA and US NRC would continue to consider disposing of the Northeast Churchrock mine wastes on the United Nuclear Corp. uranium mill tailings impoundment. (0068-1 [Edson, Dan])

**Comment:** Please withdraw the Environmental Impact Statement which continues the ad hoc "piece-mealing" approach that the NRC and EPA have taken with radioactive material on Navajo land, and instead embark on a more coherent holistic approach to consider how best to remove radioactive material to destinations nowhere near an Indian reservation or community! (0069-1 [Campbell, Bruce])

**Comment:** It is most unusual to dump a massive amount of radioactive tailings above another disposal facility such as the "UNC tailings impoundment". There was inadequate analysis of the impact that gravity/settling, rain, wind, and other elements would have on the unusual dump arrangement down the road from the NECR site. (0069-7 [Campbell, Bruce])

**Comment:** What odd logic! First of all, United Nuclear was running both the NECR mine as well as the UNC Mill Tailings site when there was the massive collapse of the uranium tailings dam spilling 93-94 million gallons of acidic radioactive waste into the North Fork of the Rio Puerco and into Pipeline Arroyo. What sort of level-headed person or agency might give such a company another chance. Well they were allowed to mill for another few years to pile up more radioactive mill tailings. Not only is it insane to trust such a company to store radioactive mill tailings at the UNCMT site (which they have sought to concentrate in "three cells" thus far), but then to allow them to profit and accept the massive amount of mine waste from the NECR AUM to place on top of the other facility without seriously considering what would happen to the waste in a 1000-year flood is nonsensical unless you are a sadist, want indigenous people to suffer, and do not believe in Murphy's Law. This company should still be paying through the nose for the 1979 spill - do not let them cause any more damage by poor tailings management on the largest uranium mine on Navajo land! (0074-1 [Campbell, Bruce])

**Comment:** Regarding the proposal for mine owner, UNC, to dispose of contaminated soil from the former Northeast Church Rock uranium mine on Navajo land: NO! NO MORE ! (0075-1 [Antonoplos, Barbara])

**Comment:** Please support people and communities inspirations and aspirations for healthy environment, well being, and the common and greater good.  
RWPRCA+Preliminary+DEIS+Comments+SIGNED.pdf (sqspcdn.com)  
RWPRCA\_bullet+points+to+HEHSC\_051821.pdf (sqspcdn.com) [support of the general and specific opposition comments from RWPRCA] (0076-1 [Nguyen, Vu])

**Comment:** -- but instead, the same country whose scientists can travel to Mars--- say it is too expensive. Your priorities must be re-evaluated and indigenous people's leadership on how to live sustainably respected and learned from. (0077-3 [Richards, Linda])

**Comment:** SEPA and NRC both propose to move 1 million cubic yards of wastes at the NECR Mine to the top of the mill tailings pile, which is unlined and subject to potential effects of flash floods in the Pipeline Arroyo. (0077-7 [Richards, Linda])

**Comment:** I am writing with respect to current plans for addressing the long-deferred efforts to clean up after the Puerco River spill. The delay is distressing enough; but the ill-advised plans currently announced are likely to fail in remediating the situation and moreover risks future harm. (0078-1 [Field, Norma])

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**Comment:** You must remove all radioactive wastes as per the request(s) of the Red Water Pond Road Community Association(RWPRCA). (0089-1 [Yarbrough, Jim])

**Comment:** On behalf of our members and supporters across the country, Beyond Nuclear wishes to express its wholehearted support for the Red Water Pond Road Community Association's "Summary of Our Concerns about the Proposal to Dispose of the Northeast Churchrock Mine Wastes on the United Nuclear Corp. (UNC) Uranium Mill Tailings Impoundment" ("Summary"), presented before the Health, Education and Human Services Committee of the Navajo Nation Council at the University of New Mexico on May 18, 2021....Likewise, we would like to express our complete support for the May 10, 2021 "Re: Docket ID NRC-2019--0026, Red Water Pond Road Community Association Preliminary Comments on Waste Consolidation Draft Environmental Impact Statement [License No. NUREG-2243]," addressed to you. For reference, these comments are posted online here: In order to fulfill the Biden administration's oft stated commitments to Environmental Justice principles, as well as to honor all legally binding treaties -- the highest law of the land, equal in stature to the U.S. Constitution itself -- and to respect sovereign government to sovereign government relations between the United States of America and the Navajo Nation, we urge you, on behalf of our members and supporters across the country, to give the Red Water Pond Road Community Association's, as well as the Navajo Nation's, comments and wishes, the fullest consideration, respect, and deference to which they are due and entitled. (0092-1 [Drey, Kay] [Kamps, Kevin])

**Comment:** The local community understands that opposing this plan may delay cleanup, and is willing to wait for a better cleanup plan that will ensure safety for their community and not create more risk of harm to future generations. (0095-3 [Richard, Pamela])

**Comment:** So, I don't know. I don't care for it being all right there by the mill site. (0096-3-5 [Leslie, Sibert])

**Comment:** And I guess we are all saying that it shouldn't be moved over. We don't want it. We don't want it where it's at, that close. That's only probably a mile. They're going to move it two miles at least, put it on another layer of waste that's already there. And I guess everybody's against that. That's what we're all saying. We're all together in this. And different organizations in the eastern Navajo I think would probably share my thoughts on this matter, that we just don't want that waste to stay there. (0096-4-2 [Lewis, Roger])

**Comment:** A person expressed frustration that the mine and mill waste would not be moved to a site far away, stating the waste should not be put in the backyards of the residents. She stated residents don't want to be sick most of their lives. (0097-1 [Community Member, Red Water Pond Road])

**Comment:** I'm opposed of moving the mine waste simply 1 mile away from where it is currently. That will do nothing to alleve the continued issues that are happening in the Church Rock area with illness and cancers, and I'm an early intervention provider, and we have many children in that area who have developmental delays, or genetic issues. It would do nothing to alleve the chronic exposure to those people in that area. (0098-1-1 [Luranc Sweeney, Judy])

**Comment:** I have grandkids. I don't want them to get sick. I want them to have a good life, so clean up the uranium. That's all. (0098-2-1 [Williams, George])

**Comment:** I am writing because I believe that the cleanup has not at all been addressed and request that all legislation and elected officials locally and nationally address this burden that has compromised many indigenous Navajo people's health generationally. (0098-3-1 [Morris, Christina])

**Comment:** This cleanup needs to be involved at the highest standards and it needs to be immediate. This kicking the can down the road has got to come to a full stop and is no longer acceptable. (0098-3-3 [Morris, Christina])

#### **2.31.4 General Concern and Opposition - Legacy Issues**

**Comment:** I made the decision to move my family out because I have little ones, and I also lost little ones. And I've had too many miscarriages to want to remember. But I feel like that kind of hazard that our whole community has been under is not fair. (0001-17-3 [Keyanna, Teracita])

**Comment:** I just want to let the NRC know that back during when the dam broke in 1979 of July, my dad was in the Rio Puerco Wash herding sheep for his brother. And all of a sudden, he heard a huge rumble and then the next thing you know, all those radioactive waters washed him away along with the sheep and the goats. My immediate family has all been impacted by cancer. My dad having it four times, my mom and my older brother and myself. I have since then lost my dad, my mom and my older brother. I don't know if it's from the fact that we lived and grew up in Church Rock, but I just wanted to make that statement. (0001-19-2 [Craig, Vivian])

**Comment:** It's really clear from the way that this has been brushed over and not acted upon in several decades. This is racially motivated when you have these comments that you've heard already from other people listening in at different sites that have actually been cleaned up. And this site has just been left. (0001-20-1 [Moe, Tammi])

**Comment:** And I just really feel for the people in the Navajo Nation, and especially the Red Water Pond Road community, who are living in compromised health because of what has happened and still nothing has been done about it. And I just really think that it needs to be emphasized how much of a disaster this was, not an incident that happened. (0001-20-4 [Moe, Tammi])

**Comment:** So, looking at this at a comprehensive level, you know, going back to the Code Talkers, our people have been used by the U.S. Government for their purposes of war. And right now we're still dealing with these issues and many people have not been compensated. And right now we're looking at RECA, the Radiation Exposure Compensation Act, sunseting in 2022, which is ridiculous because people still need compensation. (0001-4-3 [Morgan, Leona])

**Comment:** And, in addition to that, a comment on Diné fundamental law, Diné Bi beenahaz'áanii, the violation of not only the relation between people, but the abuse that Mother Earth has endured because of these different actions and the lack of a plan to resolve these issues, you know. We don't have something in place comprehensively and even one thing that can be brought forward in long-term. I know earlier there was always that term that you use as "permanent." And this type of issue, whatever decision we make today and this year, is going to be a long-term -- is going to serve long-term in terms of influencing further generations. (0001-6-3 [Perry, Jonathan])

**Comment:** But our tribal agencies, we really need to sit down with our local people more and participate and really look at how we incorporate not only natural law, but traditional law in addressing the discussions and bringing forth plans. I know with the discussion on uranium, we

always cite natural law, but we always don't go into traditional or customary because these areas not only are they being impacted by our cultural properties, but we're impacting the livelihood of our people. We've seen in the past our families in that area were impacted economically. They lost their sole provider for the families, many generations. And so, the impact of poverty and even to healthcare, that's not been addressed. We talk about the issues with compensation. We talk about corporations and the government and different agencies talking about the cost, but what about the cost of these families long-term? What have they endured all these years? And it's really hard to understand their point of view unless you really sit with them and you know them and you understand the pain that they're going through. (0001-6-7 [Perry, Jonathan])

**Comment:** You know, when you think about it -- and this is where policy comes in that it really kind of ticks me off, frankly -- through EPA's actions on North East Church Rock Mine, and all of the other 523 abandoned mines on Navajo -- and now NRC's NEPA implementation, which is just -- you know, one step towards the licensed amendment -- the Government is really not taking responsibility for the problem in the first place. You know, substantial portions of those 523 abandoned mines were done under contracts to the AEC. These are defense-related mines that produced fissile material for the nuclear weapons program. And that's what happened at North East Church Rock Mine for at least the first two years of this operation. You know, there's no effort for the Federal Government -- outside of writing these, what now looks like meaningless five-year plans -- to really get serious about accepting its responsibility to the Navajo people and to the Navajo Nation. (0002-7-6 [Shuey, Chris])

**Comment:** That's not what we're going to do. Some of us have been working on this for 40 years and we're not going to forget. We'll pass this information down to our progeny and to the people in the community and their progeny, so that no one will ever forget. You know, Terry talked about her -- her grandma, Katherine Duncan, who was a very strong lady. One of the things she told us was back in the '60s, that there were these, you know -- (Native language spoken) -- white guys who came around. And they were putting flags in. She didn't know who they were. But she didn't like the fact that, one, they were there on the -- the -- her land, the People's land, and two, they were putting things in the ground. So she went around and picked them up. Those were the original prospectors. And the company officials and technicians, coming out to survey the land, to develop uranium mining. There was no free prior and informed consent, which is the standard of the U.N. Declaration on the Rights of Indigenous People that has been now on the books since 2007. And I don't see any discussion of the -- of this kind of higher legal authority -- moral authority that any of the Federal agencies are evoking to think beyond the box of the NEPA requirements, the AEC Part 20 requirements, the 40 CFR 192 requirements. All of these regulations are fine and well, but they're not getting to the crux of the problem. (0002-7-9 [Shuey, Chris])

**Comment:** The Red Water Pond Road community has also called for not only cleanup of this contaminated site but also all contaminated sites, and for funding for housing, for educational endeavors, and for in-depth health studies. So it's not just about moving waste from one site to another. It's about taking a holistic and sustainable and environmental justice approach to dealing with these issues, which I do not believe the NRC has done or is taking in this particular case. (0002-8-5 [Shaughnessy, Eileen])

**Comment:** Include victim compensation to Navajo Nation communities affected throughout the 15 year period the mine was operational and the 39 years the residents were exposed to the harmful radioactive effects of the mine waste. Many Navajo people died of kidney failure and cancer caused by the uranium contamination of the mine (Morales 2016). Even now, babies are

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being born with uranium contamination, so the effects of the mine have lasted over half a century (Morales 2016). Navajo Nation communities deserve compensation for the suffering they have endured due to the NECR mine, whether it be from the NRC or UNC. Morales, Laurel. For The Navajo Nation, Uranium Mining's Deadly Legacy Lingers. 2016, <https://www.npr.org/sections/health-shots/2016/04/10/473547227/for-the-navajo-nation-uranium-minings-deadly-legacy-lingers> (0019-6 [Davila, Valeria] [Murrieta, Ana] [Urcadez, Austin])

**Comment:** The Navajo Nation has been subjected over too many years to everything from the atom bomb tests drift, poisoned wells and aquifers from that, the loss of many many sheep and lord only knows how many health issues due to this. (0023-2 [Hanns, Sean])

**Comment:** The land was already damaged, they said. It is not right. Things became bad from the work that was done here. As Navajos we did not request it and the work was done. We did not give approval back then. They worked Washington and those call BIA. Now, they are following it. It is related to uranium mining it is called. Why is it called that? Back then here was a war. That was what was happening. They wanted to dig this ore for what use? There is a big explosive. I do not know what it is called in Navajo. The one called the atomic bomb. And the vehicles and guns and hats, that is how it was mixed and made, that was why they were doing the mining. And today our own people became soldiers and they went there. Some did not return back to us. Also, it was our language which was used to win. And they made our land like this. How can they not think of us? There is no one who will speak like that, the ones who are White people. That is not right with me. This land is our land. These White people I do not like. This land is our land, it is our prayer, songs which are very sacred we were told how to take care of it and carry on with it. That is what they used to say a long time ago. The land is really used. (0024-18-1 [Yazzie, Dariel])

**Comment:** we've been living with this contamination for decades, we've been dying, our people are dying. I live with the fear of some day getting cancer, I drive to the city disposal site every day passing a uranium mill. We moved to Church Rock, come to find out it's the largest site of radioactive contamination in U.S. history, people don't know about this and it's infuriating. (0024-19-7 [Boyd, Talia])

**Comment:** so it seems like mining and waste have created an untenable situation of environmental justice, of degradation, and so another question that I had is these same communities in the region continue to be concerned about future uranium mining and waste, because periodically there are companies who say they want to do this. It seems like this should be stopped, period, and there should be no conversation about anything like this in the future and not put communities through the energy and the resources to have continually fight this. It creates such dire situations that are unjust. So, is that something that you're looking at also? (0024-5-1 [Brown, Joan])

**Comment:** the cost to this community has been immense and EPA in the process has destroyed this community by moving people away. It's such an environmental injustice to have divided this community to give them houses in various conditions. One elder moved into a house that was infested with rats. What is that about? (0024-6-5 [Gordon, Susan])

**Comment:** There's been treaties that have already been trampled on, you guys are talking about making sure that our historical and cultural impacts are low. You guys already trampled over that whole thing long ago and it feels like it's just a joke that now it's something that's looked at. Because all my life it hasn't been looked at, there was nobody looking out for the indigenous communities and for so long, my whole generation might be at danger because of the places that we've played at. (0024-8-4 [Keyanna, Teracita])

**Comment:** The UNC mill tailings impoundment was the site of the July 16, 1979 Churchrock Dam Break which released 94 million gallons of acidic and radioactive wastewater and 1,100 tons of radioactive mill tailings into the North Fork of the Puerco River in what remains the largest release of radioactive waste, by volume, in U.S. history. Published reports indicate that contamination from the tailings spill, combined with more than twenty years of discharge of contaminated mine water from mines in the Churchrock area during the 1960s through 1980s, still remains in downstream communities, including in the area of Sanders, Arizona and the Navajo community of Nahata' Dził. (0030-2 [Jantz, Eric])

**Comment:** 2.2.1.2 Site History, Status, and Regulatory Oversight (2.2.1.2.a) On July 16, 1979, the UNC dam at the tailings impoundment failed and released approximately 350 million liters (L) [93 million gallons (gal)] of tailings that flowed down the Pipeline Arroyo into the Puerco River drainage system and the underlying alluvium. A small emergency retention pond captured approximately 1,000 metric tons {1,100 tons} of solid material from the release (EPA, 2013b). A multi-agency cleanup effort and assessment was conducted and documented in the NRC report entitled "NUREG/CR-2449 Survey of Radionuclide Distributions Resulting from the Church Rock, New Mexico, Uranium Mill Tailings Pond Dam Failure" (NRC, 1981). [pg. 2-8, lines 31 to 37] 2.2.1.2 Site History, Status, and Regulatory Oversight (2.2.1.2.a) 2.2.1.2, From the Dine Uranium Remediation Advisory Commission (1 of 1): The documentation on the July 16, 1979 UNC Mill Site dam break references the multi-agency clean-up effort after the break, but it does not document the quantity or percentage of radioactive material recovered during the cleanup. The cleanup area extended through the downstream Navajo Nation, through Gallup NM, and into Navajo Nation lands in Arizona. Some reports indicate that less than 50% of the radioactive matter was recovered. The health, cultural and economic damage caused by the dam break still impacts cattle sales and cattle ranchers today. Residents became ill from the contamination. Complete cleanup of the contamination has not occurred. (0038-1-10 [Baheshone, Nona])

**Comment:** The weight of the United States' atomic history lies most heavily on Indigenous communities. Since the dawn of the atomic age, these communities on the Navajo Nation have suffered from the natural resource destruction and public health catastrophe caused by uranium development, and should no longer be forced to bear the overwhelming and disproportionate burden of uranium contamination. The Northeast Churchrock Mine (NECRM) is the largest abandoned uranium mine on the Navajo Nation. The Red Water Pond Road Community, is located between the NECRM and the Kerr-McGee-Quivira Churchrock I Mine ("Quivira Mine"), and within one mile of the United Nuclear Corporation (UNC) uranium mill and mill tailings disposal facility. All three sites are subject to the federal Superfund law (CERCLA). The UNC tailings facility is both a Superfund National Priorities List site for cleanup and a Nuclear Regulatory Commission-licensed tailings disposal facility under the Atomic Energy Act. The NECRM and Quivira Mine are located principally on Navajo Tribal Trust Land, while the UNC mill and tailings impoundment is located on private land immediately adjacent to the Navajo Nation. The UNC mill tailings impoundment was the site of the July 16, 1979 Churchrock Dam Break, which released 94 million gallons of acidic and radioactive wastewater and 1,100 tons of radioactive mill tailings into the North Fork of the Puerco River in what remains the largest release of radioactive waste, by volume, in U.S. history. Published reports indicate that contamination from the tailings spill, combined with more than twenty years of discharge of contaminated mine water from mines in the Churchrock area during the 1960s through 1980s, still remains in downstream communities, including in the area of Sanders, Arizona and the Navajo community of Nahata' Dził. (0039-9 [Commenters, Multiple] [Gordon, Susan])

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**Comment:** The RWPR community and all residents downstream/downwind never gave the United States or UNC their free, informed, and prior consent to do exploratory drilling, mining, or milling. They never gave their free, informed, and prior consent to allow radioactive waste to contaminate their homes, their lands and water, their cultural (aka "religious") resources, and their bodies. It is imperative that GE and the U.S. agencies, namely the Environmental Protection Agency Region 9, Department of Energy, and NRC, work to address not only the cleanup, but also the human rights violations that were committed by UNC and allowed by the United States. (0042-4 [Morgan, Leona])

**Comment:** Please take immediate action to prioritize uranium mine clean-ups and compensation for the families who have experienced illness or death due to uranium exposure. (0050-2 [Landrum, Amy])

**Comment:** UNC is also responsible for the 94 million gallons of liquid waste and 1,100 tons of radioactive mill tailings that washed into the Puerco River from its mill tailings dam on July 16, 1979. Published reports indicate that contamination from the tailings spill, combined with more than twenty years of discharge from mines in the Churchrock area during the 1960s through 1980s, still remains in downstream communities all the way to Sanders, Arizona and the Navajo community of Nahata' Dziil. The contamination continues to plague community drinking water wells in the Sanders area. (0056-4 [Watchempino, Laura])

**Comment:** Additionally, the United States must be named as the responsible party for all abandoned uranium mine sites (DOE or DOD sites) and must fully fund cleanup of all sites nationwide to the highest standard possible with community oversight. (0071-3 [Commenters, Multiple])

**Comment:** There are too many abandoned uranium mines poisoning our communities for far too long. Many are dying a slow long death generation after generation. The nuclear waste, radiation exposure, radiation poisoning in our water, air, soil, and food chain is completely neglectful. We can no longer think of nuclear energy as a solution when a clean up effort has yet to begin. It is time to do the right thing and clean up all the radiated abandoned sites and nuclear waste dumps. No more digging up Mother Earth and leaving a path of death in the wake of uranium minings, mills, dump sites; then wanting more without cleaning up all the messes left behind. The future is not in uranium for nuclear energy. There is more con than pro with well over 75 years of proof. It is time to do the right thing and clean up all the radioactive waste, ASAP. (0073-1 [Smith, Elizabeth])

**Comment:** One would think that a company that owns the area which suffered the largest ever uranium tailings dam collapse would thus be out of the running or consideration to receive any more radioactive material. Yet the company was allowed to mill for a few more years, and apparently has been focused on seeking other radioactive mill tailings to place in three "cells" thus far at the UNC Mill Tailings site. While project proponents may argue that this is the best site for the massive amount of mining waste from the NECR Mine, it actually appears to be the worst site since a collapse of the uranium tailings dam in this area caused a regional disaster whose impact will last billions of years. This company has failed in the past, was taken over by shady failing General Electric whose reactors melted down at Fukushima partially due to poor design, and deserves no more chances except to fork over huge amounts of money for punishment for their reckless behavior seeking profit over the poisoning of nearby indigenous communities. THIS SITE HAS ALREADY FAILED MISERABLY - if it is an alleged "clean-up" site, then do not add to its radioactive and toxic burden! (0074-4 [Campbell, Bruce])

**Comment:** Unfortunately, it is many indigenous communities that bear the weight of the disproportionate harm caused by nuclear pollution, at every step of the nuclear fuel chain, including the mining, milling, production of nuclear materials, testing and storage of wastes. I research nuclear history, so I have seen this damage with my own eyes, from the murky yellow ponds to the tailings piles at Shiprock to the Churchrock accident disaster site. I have heard the stories from the Hopi, Pueblo and Dine elders and widows of uranium miners suffering way back in 1986. How the people were treated must be atoned for with right actions for repair in the present and the future. (0077-1 [Richards, Linda])

**Comment:** The indigenous communities have tolerated enough abuse on their ancestral homelands and natural resources, it is the responsibility of the United States to clean up the consequences of their orders of operations. (0091-3 [Thomas, Marina])

## **2.32 General Comments of Support**

### **2.32.1 General Support - Statements in Support of the EIS or the Proposed Project**

**Comment:** I think you did a great job with this EIS. (0014-1 [Bell, Xavier])

**Comment:** Alternative 1B of the proposed project action is the best proposed option for transportation of the waste materials to the impoundment United Nuclear Corporation Mill site from the NECR Mine site. (0018-1 [Pederson, Mathew])

**Comment:** I would like to commend the report in its thorough analysis and actions to be taken with deep consultation and partnering with the Navajo Nation and participating agencies. (0018-3 [Pederson, Mathew])

**Comment:** Impounding the nuclear waste material onsite in stable and secure conditions is the best possible option with appropriate capping and long-term monitoring. (0018-5 [Pederson, Mathew])

**Comment:** The amount of impact over long periods of time based on the analysis against the no change proposal is justified compared to leaving the tailings and waste soil materials open to air and disturbance. (0018-7 [Pederson, Mathew])

**Comment:** In summary, I am quite surprised by the level of detail, involvement, and funding for this project on Navajo Nation property with EPA appointed by the Navajo for cleanup. This DEIS has taken a long-term comprehensive approach to dealing with the UNC Church Rock mining site. (0018-11 [Pederson, Mathew])

**Comment:** Alternate 1B is the preferred proposed action plan. I support Alternate 1B fully. (0018-12 [Pederson, Mathew])

**Comment:** Some concerns we have about the EIS are the environmental, cultural, and safety aspects. Overall, we agree with the purpose of the proposal but we wish to convey suggestions to increase the overall benefit to the Navajo Nation and surrounding land. (0019-1 [Davila, Valeria] [Murrieta, Ana] [Urcadez, Austin])

**Comment:** We propose the 1A alternative to reduce the amount of degradation to the soils that would occur with the proposed action due to the transportation of mine waste. This alternative will also reduce the impacts of the air quality in the area by reducing emissions and dust. (0019-4 [Davila, Valeria] [Murrieta, Ana] [Urcadez, Austin])



**Comment:** Overall the project would benefit the Navajo Nation with the restoration of cultural lands and it would bring the land back to a normal state. Although the Navajo Nation will be impacted during the construction, they will benefit in the long term. (0019-9 [Davila, Valeria] [Murrieta, Ana] [Urcadez, Austin])

**Comment:** We agree with the 1A alternative as this will bring less impact to the surrounding area compared to the proposed action. (0019-10 [Davila, Valeria] [Murrieta, Ana] [Urcadez, Austin])

**Comment:** The New Mexico Environment Department (NMED) generally concurs with the proposed action to transfer and dispose of the NECR mine waste on top of the UNC tailings impoundment at the Mill Site, although as stated above, the State of New Mexico stands ready to engage in any discussions that may occur regarding identifying other sites for final disposition of the NECR mine waste. (0036-2 [Kenney, James C.]

**Comment:** The proposed action will move the NECR mine waste to a location on private land that is already impacted by legacy uranium operations. NMED has been providing comments on workplans and draft designs related to the development of the proposed action prior to and following the development of the 2011 Action Memorandum for Non-Time-Critical Removal Action and a draft Record of Decision in 2013 under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)<sup>1</sup> for the NECR Mine Site. The U.S. Environmental Protection Agency (USEPA) and cooperating agencies formed a Design Advisory Team (DAT) at the start of UNC/NECR Remedial Design activities in 2016 in order to coordinate the review process. The DAT includes representatives from NMED, USEPA Regions 6 and 9, NRC, U.S. Department of Energy, Navajo Nation Environmental Protection Agency, Technical Assistance Services for Communities, and the Red Water Pond Road Community Association. NMED has participated in DAT activities, including monthly project status conference calls and technical review of design documents and other supporting documentation. NMED technical staff reviewed the preliminary draft EIS and provided comments to USEPA in July 2020 to ensure the draft EIS and license amendment appropriately addresses groundwater protection. The November 13, 2020, draft EIS addresses all previous NMED comments and is consistent with NMED's March 8, 2013, letter of support for the selected remedy under CERCLA (Attachment 2). 6 Attachment 2: NMED 2013 Letter of Concurrence (0036-3 [Kenney, James C.]

### **2.32.2 General Support - Statements in Support of NRC Process**

**Comment:** This National Environmental Policy Act (NEPA) review process for the NRC license amendment builds on more than a decade of work under the Superfund program to properly dispose of contaminated mine waste from the UNC Northeast Church Rock mine site, which is located on Navajo Nation land and land held by the United States in trust for the Navajo Nation. Strong intergovernmental coordination is essential to continued progress in addressing legacy uranium mining waste and contamination in New Mexico and on tribal lands. NMED appreciates the extensive engagement between federal, state and tribal government agencies that supported the Nuclear Regulatory Commission's development of the DEIS. (0036-1 [Kenney, James C.]

**Comment:** Throughout the development of the Draft EIS, the EPA has appreciated the commitment of the NRC to work closely with the Navajo Nation, as well as state, tribal, and federal resource and regulatory agencies to address concerns and avoid and minimize impacts to environmental resources. We also appreciate the NRC joining monthly calls with the Red Water Pond Road Community Association Executive Committee members to speak directly to

those most impacted by the project and explain the NRC process. The EPA provided scoping comments on April 18, 2019 and has been in regular communication with the NRC and the Navajo Nation. (0040-1 [Prijatel, Jean])

**Comment:** During the development of the Draft EIS, the EPA had the opportunity to provide early feedback which has resulted in the identification and resolution of potential EPA concerns with accurately describing the project and its CERCLA history. The EPA prepared detailed comments on the Administrative Draft EIS on August 3, 2020 and responded to follow-up questions from the NRC on August 27, 2020. We thank the NRC for addressing the concerns EPA highlighted during this review and appreciate the opportunity for early coordination. (0040-2 [Prijatel, Jean])

## **2.33 Comments Concerning Editorial Changes**

### **2.33.1 Editorial - Editorial Comments on EIS Text**

**Comment:** Portions of the NECR Mine Site, page 3-80, lines 10-12: It appears that the "mSv" dose unit was omitted after presentation of the 3.81 mSv value. "mSv" should be inserted after 3.81 in line 12. (0041-4 [Hauer, Lance])

**Comment:** Comment Number: 1, Section: Executive Summary, Document Page: xviii, Paragraph: N/A This is a pet peeve of mine. It is a technicality but could be taken advantage of by some future unscrupulous attorney arguing that they were never made to render the waste safe but to merely dispose it. Something more is needed here. ...dispose and cover? dispose and render safe... They use the two terms throughout the document; sometimes using dispose the waste (place and arrange the waste) and sometimes calling the action disposal (dispose of the waste). transitive verb 1: to give a tendency to : INCLINE faulty diet disposes one to sickness 2a: to put in place : set in readiness : ARRANGE disposing troops for withdrawal (1):TO DEAL WITH CONCLUSIVELY disposed OF the matter efficiently (0083-18-1 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 6, Section: Proposed Action and Alt, Document Page: pg. 2-5, Paragraph: Line 14 Dispositioning? really?? That's not even a word. Makes me think even more that they want to get a PERMANENT disposal permit out of this license modification. (0083-18-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 4, Section: 2. Navajo Nation and Re, Document Page: 38, Paragraph: 3 Insert the word "Canyon" after "Coyote" in the 3rd sentence. (0083-3-2 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 35, Section: 1.1.3, Document Page: I-4, Paragraph: 1 of section Remove "traces their history at least 100 years" certain families in all parts of the Navajo Nation can trace their heritage back several generations to a certain area. (0083-7-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 36, Section: 1.1.3, Document Page: I-4, Paragraph: 1 of section Include "farming" as a Dine lifeway in addition to grazing and raising livestock. (0083-7-8 [Navajo Nation Environmental Protection Agency])

**Comment:** Exec Summary, pp. xvii- xviii line 46-47; 1-12: Linkage of NRC and EPA Actions for NECR-The relationship of NRC's proposed action with EPA's CERCLA actions for the site could

be more clearly stated; public comments indicated confusion as to why NRC did not consider alternative locations. (0094-2-1 [King, Susan])

**Comment:** Exec Summary, p. xix, line 2-12: The definitions of the impacts categories (Moderate, Large) include the words "sufficient to alter noticeably, but not destabilize, important attributes of the resource considered." We realize that these definitions are taken from an NRC guidance document. It would help, though, to describe or give examples of what that means. (0094-2-2 [King, Susan])

**Comment:** Exec Summary, p. xix, lines 27- 30: The sentences states that the "potential impacts from the proposed action ... would be Small for resource areas, with the exception of" and then lists 7 of the 15 resource categories, which are about half of them, so they are not exceptions from Small. (0094-2-3 [King, Susan])

**Comment:** Sec 2.1: For clarification, indicate whether the context is taken from the Stantec 2018a report as well as the 2019a report. (0094-2-10 [King, Susan])

**Comment:** Section 3.9:

\* page 3-50, line 31; change (a) to (A)

\* page 3-50, line 32; change (b) to (B), (c) to (C)

\* page 3-50, line 33, change (d) to (D)

\* page 3-50, line 40; change "reasonable effort" to "reasonable and good faith effort"

\* page 3-50; line 40-42; change sentence beginning on line 40 with "The" to read "Based on the proposed project activities, the Area of Potential Effects (APE) (as defined in 36 CFR 800.16(d)) includes direct and indirect components.

\* page 3-54, line 41-43; Change sentence beginning with "As defined" to "The Section 106 regulations define the APE as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties..." (36 CFR 800.16(d))."

\* line 43; change "Therefore" to "Based on the proposed project actions,"

\* line 44-45; change sentence beginning with "The APE" to "The direct APE is delimited by the proposed ground-disturbing activities within the UNC Mill Site and the NECR Mine Site." (0094-3-13 [King, Susan])

**Comment:** Document Page: pg. 5-27, Section: 5.5.2, Comment Line: line 35-38, Paragraph: 3  
Comment: repetitive information again! (0099-2-19 [Navajo Nation Environmental Protection Agency Superfund Program])

### **2.33.2 Editorial - Editorial Comments About EIS Figures**

**Comment:** Comment Number: 9, Section: DESCRIPTION OF THE AF, Document Page: pg.3-11, Paragraph: Figure 3.4-3 I would love to see an arrow pointing to the location of both the mine site and the mill site on these cross sections. (0083-18-9 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 1, Figure: 1.1-1, Comments: Surrounding Chapters are not all labeled. AUMs in Ambrosia Lake shown that is not even close to the project area. Not all AUMs shown on map such as Northeast Church Rock NO. 2 & Church Rock & Foutz AUMs Delete Gallup Solar, Coal Mine, Humate Mine in the legend (0083-23-4 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 3, Figure: 2.2-2, Comments: The pipeline residents structure are missing from the map. (0083-23-6 [Navajo Nation Environmental Protection Agency])

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**Comment:** No: 7, Figure: 3.2-3, Comments: No changed but make map to 8.5x11 size (0083-23-9 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 8, Figure: 3.3-1, Comments: So basically the Proposed Disposal Site will sit on top of Central & North Cells. The haul road is the same color as the Proposed Disposal Site (orange) making hard to see. Needs a color change (0083-23-10 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 13, Figure: 3.4-5, Comments: Cross hatching line is too busy. Change (0083-23-12 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 14, Figure: 3.4-6, Comments: In the legend, Poor label is green and Fair is blue. Colors should be changed. Again cross hatching is too busy (0083-23-13 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 29, Figure: 3.11-4, Comments: In the legend, Indian or Alaskan Native & Hispanic and Indian or Alaskan Native symbols are confusing (0083-24-11 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 30, Figure: 3.11-5, Comments: Population really should only show Navajos in or around the project area. Gallup are is not that close. (0083-24-12 [Navajo Nation Environmental Protection Agency])

**Comment:** No: 32, Figure: 3.11-7, Comments: The chart is irrevelant (0083-24-14 [Navajo Nation Environmental Protection Agency])

**Comment:** General Comments for most all of the maps Majority of the maps will need to be enlarged to 8.5x11 size in order to read the small texts & numbers to understand the information Some of the maps presentation are irrelevant and the two chart Figures too Navajo people are visual learner so maps are important type of information. Some of the map have too much information or unnecessary information In some of the maps, it might be better to use a topo base map rather than aerial The maps with the cross hatching are hard to read or makes the map busy, maybe use a thicker line or color instead There are some symbologies that are not necessary to include i.e Gallup solar (0083-25-6 [Navajo Nation Environmental Protection Agency])

**Comment:** Missing. Maps that should be included for this project: Map showing the elevation of the area A profile map of the project area A 3D map of the area would give the reader a better understanding of the topography of the project landscape (0083-25-7 [Navajo Nation Environmental Protection Agency])

**Comment:** Missing. Maps that should be included for this project: A map potential forest fire and areas of potential danger in case of a forest fire (0083-25-9 [Navajo Nation Environmental Protection Agency])

**Comment:** [EIS Page 2-5 (Figure 2.2-2)] 128. All residents within a 1-mile radius of the project site should be included in the most impacted community. The Red Water Pond Road Community is identified in this figure but all other residents within a mile radius of the project site are not. Why is this not delineated and considered in the Draft EIS? (0083-40-3 [Navajo Nation Environmental Protection Agency])

**Comment:** Comment Number: 46, Section: Figure 2.2-2, Document Page: 2-11, Paragraph: N/A Please include all residents within a 1 mile radius of the project site. The Red Water Pond

Road Community is identified in this figure but all other residents within a mile radius of the project site should be included in these figures. (0083-8-6 [Navajo Nation Environmental Protection Agency])

## **2.34 Miscellaneous Comments**

### **2.34.1 Miscellaneous - Unit Conversions and Rounding Accuracy in the EIS**

**Comment:** A. Things Do Not Add Up-Overlooked And Ignored Issues To implement the proposed action, a total of 346,000 m<sup>3</sup> {453,000 yd<sup>3</sup> 28} of soil material would be required to fill existing cover swales, for cover layers, and for grading around the proposed disposal site {Stantec, 20190}. A total of 287,000 m<sup>3</sup> {375,000 yd<sup>3</sup>} of soil material is estimated to be available in the borrow areas: 54,000 m<sup>3</sup> [71,000 yd<sup>3</sup>] in the North Borrow Area; 122,000 m<sup>3</sup> {160,000 yd<sup>3</sup>} in the South Borrow Area, 42,000 m<sup>3</sup> {55,000 yd<sup>3</sup>} in the East Borrow Area; and 68,000 m<sup>3</sup> {89,000 yd<sup>3</sup>} in the West Borrow Area (INTERA, 2018; Stantec, 2019a) {EIS section 3.12.2.3}. 1. The total m<sup>3</sup> of soil material required from each of the four borrow sites is 286,000 m<sup>3</sup>. which is not consistent with the 287,000 m<sup>3</sup> that is listed in the EIS selection shown above. Was this a mathematical error? 2. If so, then where else in the EIS will we find errors? (0083-28-1 [Navajo Nation Environmental Protection Agency])

### 3 COMMENT IDENTIFICATION TABLES

**Table 1. Individuals Providing Unique Comments on the Draft Environmental Impact Statement for the Disposal of Mine Waste at the United Nuclear Corporation Mill Site**

<b>Commenter</b>	<b>Affiliation (if stated)</b>	<b>Comment Source and Document ID</b>	<b>Correspondence ID</b>
Anonymous*	Pipeline Road Community	Meeting Transcript (ML21271A163)	96-15
Anonymous*	Pipeline Road Community	Meeting Transcript (ML21271A163)	96-2
Anonymous*	Pipeline Road Community	Meeting Transcript (ML21271A163)	96-24
Anonymous*	Pipeline Road Community	Meeting Transcript (ML21271A163)	96-27
Anonymous*	Pipeline Road Community	Meeting Transcript (ML21271A163)	96-30
Anonymous*	Pipeline Road Community	Meeting Transcript (ML21271A163)	96-34
Anonymous*	Pipeline Road Community	Meeting Transcript (ML21271A163)	96-6
Anonymous*	Navajo Nation Pinedale Chapter	Meeting Transcript (ML21307A309)	101-5
Atkinson, Ellen		Email (ML21130A690)	84
Anderson, Dorothy		Email (ML21138A932)	29
Anderson, Glen		Email (ML21146A361)	52
Anonymous, Anonymous		reg.gov (ML21327A176)	102
Anonymous, Jamie		Email (ML20349A304)	7
Anonymous, Marlene		Meeting Transcript (ML20349A095)	1-2
Antonoplos, Barbara		Email (ML21148A048)	75
Arviso, Alyssa		Meeting Transcript (ML21144A007)	24-20
Baheshone, Nona		Email (ML21147A550)	38
Baheshone, Nona		Meeting Transcript (ML20353A388)	2-9
Baker-Smith, Gerritt and Elizabeth		Email (ML21140A416)	87
Barnes, Kathryn		Email (ML21144A115)	45
Bell, Xavier		Email (ML21084A163)	14
Bogen, Doug		Email (ML21147A003)	55
Boyd, Talia		Meeting Transcript (ML21144A007)	24-19
Brown, Janice		Email (ML21147A295)	59
Brown, Joan		Meeting Transcript (ML21144A007)	24-1
Brown, Joan		Meeting Transcript (ML21144A007)	24-5
Butler, Edward		Email (ML21146A359)	51
Campbell, Bruce		Email (ML21147A562)	69
Campbell, Bruce		Email (ML21148A046)	74

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<b>Commenter</b>	<b>Affiliation (if stated)</b>	<b>Comment Source and Document ID</b>	<b>Correspondence ID</b>
Cecchini, Rose Marie	Office of Peace, Justice & Creation Stewardship	Email (ML20349A301)	5
Cobb, Sandra		Email (ML21141A060)	33
Commenters, Multiple		Email (ML21130A686)	26
Commenters, Multiple		Email (ML21140A427)	31
Commenters, Multiple		Email (ML21147A552)	39
Commenters, Multiple		Email (ML21147A571)	71
Commenters, Multiple		Email (ML21306A341)	100
Community Member, Red Water Pond Road		Oral (ML21306A178)	97
Council, Nina		Email (ML21130A685)	25
Craig, Vivian		Meeting Transcript (ML20349A095)	1-19
Craig, Vivian		Meeting Transcript (ML21144A007)	24-12
Craig, Vivian		Meeting Transcript (ML21144A007)	24-9
Davila, Valeria		reg.gov (ML21112A001)	19
Daye, Clara	Navajo Nation Pinedale Chapter	Meeting Transcript (ML21307A309)	101-1
Daye, Clara	Navajo Nation Pinedale Chapter	Meeting Transcript (ML21307A309)	101-3
Daye, Clara	Navajo Nation Pinedale Chapter	Meeting Transcript (ML21307A309)	101-4
Daye, Clara	Navajo Nation Pinedale Chapter	Meeting Transcript (ML21307A309)	101-6
De Pree, Thomas		Email (ML21148A064)	81
Dehart, Jane		Email (ML21144A116)	46
Donn, Marjory		Email (ML21148A060)	79
Drey, Kay	Beyond Nuclear	Email (ML21148A049)	92
Edson, Dan		Email (ML21147A560)	68
Field, Norma		Email (ML21148A057)	78
Fields, Sarah	Uranium Watch	Email (ML20349A297)	3
Frederick, Karl		Email (ML21147A558)	66
Gardner, Rebecca		Email (ML21144A110)	43
Gassman, David		reg.gov (ML21007A281)	16
Giese, Mark		Email (ML21130A692)	86
Gill, Susan		Email (ML21147A285)	57
Gordon, John		Email (ML21147A476)	60
Gordon, Susan		Meeting Transcript (ML20349A095)	1-7
Gordon, Susan	Multicultural Alliance for a Safe Environment	Email (ML21147A552)	39
Gordon, Susan	Multicultural Alliance for a Safe Environment	Email (ML21306A341)	100
Gordon, Susan	Multicultural Alliance for a Safe Environment	Meeting Transcript (ML20353A388)	2-6

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<b>Commenter</b>	<b>Affiliation (if stated)</b>	<b>Comment Source and Document ID</b>	<b>Correspondence ID</b>
Gordon, Susan	Multicultural Alliance for a Safe Environment	Meeting Transcript (ML21144A007)	24-6
Greene, David		Email (ML21147A002)	54
Greenwald, Janet		Meeting Transcript (ML20349A095)	1-1
Gromar, John		Meeting Transcript (ML20349A095)	1-5
Gromoll, Norda		Email (ML21141A249)	35
Halverson, Andrew		Email (ML21027A172)	12
Hanns, Sean		Email (ML21126A345)	23
Hauer, Lance	United Nuclear Corporation	Email (ML21147A567)	41
Helms, Kathy		Meeting Transcript (ML20349A095)	1-12
Helms, Kathy		Meeting Transcript (ML20349A095)	1-14
Hood, Edith		Meeting Transcript (ML21144A007)	24-17
Hood, Edith		Meeting Transcript (ML21144A007)	24-3
Hyde, Don		Email (ML21147A565)	70
Jackson, Nicole		Meeting Transcript (ML20353A388)	2-2
Jackson, Sarah	Navajo Nation Pinedale Chapter	Meeting Transcript (ML21307A309)	101-2
Jantz, Eric	Red Water Pond Road Community Association	Email (ML20349A299)	4
Jantz, Eric	Red Water Pond Road Community Association	Email (ML21140A417)	30
Jantz, Eric	Red Water Pond Road Community Association	Email (ML21147A572)	72
Jenkins, Darlene	Navajo Nation Environmental Protection Agency	Meeting Transcript (ML20349A095)	1-22
Jenkins, Darlene	Navajo Nation Environmental Protection Agency	Meeting Transcript (ML21144A007)	24-11
Johnson, Johnny	Standing Rock Chapter of Navajo Nation	Meeting Transcript (ML21319A210)	103-1
Kamps, Kevin	Beyond Nuclear	Email (ML21148A049)	92
Kasuya, Tauny		Email (ML21036A154)	13
Kenney, James C.	New Mexico Environment Department	Email (ML21147A000)	36
Keyanna, Teracita		Meeting Transcript (ML20349A095)	1-17



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<b>Commenter</b>	<b>Affiliation (if stated)</b>	<b>Comment Source and Document ID</b>	<b>Correspondence ID</b>
Keyanna, Teracita		Meeting Transcript (ML20353A388)	2-4
Keyanna, Teracita		Meeting Transcript (ML21144A007)	24-8
King, Dave		Email (ML21147A480)	61
King, Judy		Meeting Transcript (ML21271A163)	96-21
King, Judy		Meeting Transcript (ML21271A163)	96-29
King, Judy		Meeting Transcript (ML21271A163)	96-39
King, Judy		Meeting Transcript (ML21271A163)	96-5
King, Larry		Meeting Transcript (ML20349A095)	1-3
King, Larry		Meeting Transcript (ML21144A007)	24-7
King, Susan	U.S. Department of the Interior	Email (ML21165A131)	94
Kirschling, Karen		Email (ML21026A335)	11
LaCerva, Vittorio		Email (ML21144A131)	48
Landau, Doug		Email (ML21147A290)	58
Landrum, Amy		Email (ML21146A358)	50
Luranc Sweeney, Judy		Oral (ML21306A189)	98-1
Largo, Chrissy		Meeting Transcript (ML20349A095)	1-8
Lee, Danny		Meeting Transcript (ML20349A095)	1-18
Lee, Virginia		Email (ML21126A343)	21
Lefcourt, Philip		Email (ML21147A559)	67
Leslie, Sibert		Meeting Transcript (ML21271A163)	96-12
Leslie, Sibert		Meeting Transcript (ML21271A163)	96-14
Leslie, Sibert		Meeting Transcript (ML21271A163)	96-19
Leslie, Sibert		Meeting Transcript (ML21271A163)	96-28
Leslie, Sibert		Meeting Transcript (ML21271A163)	96-3
Leslie, Sibert		Meeting Transcript (ML21271A163)	96-38
Leslie, Sibert		Meeting Transcript (ML21271A163)	96-9
Lewis, Roger		Meeting Transcript (ML21271A163)	96-20
Lewis, Roger		Meeting Transcript (ML21271A163)	96-31
Lewis, Roger		Meeting Transcript (ML21271A163)	96-37
Lewis, Roger		Meeting Transcript (ML21271A163)	96-4

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<b>Commenter</b>	<b>Affiliation (if stated)</b>	<b>Comment Source and Document ID</b>	<b>Correspondence ID</b>
Lisbon, Dolores		Meeting Transcript (ML21144A007)	24-13
Lizer, Myron	Navajo Nation Vice President	Email (ML20357B084)	8
Lizer, Myron	Navajo Nation Vice President	Email (ML21152A051)	93
Lizer, Myron	Navajo Nation Vice President	Letter (ML21111A360)	15
Lundeen, Kelly		Email (ML21147A500)	63
Lykins, Jim		Email (ML21148A065)	82
Martinez-Silversmith, Lee Anna	Navajo Nation Environmental Protection Agency Superfund Program	Meeting Transcript (ML20349A095)	1-10
Martinez-Silversmith, Lee Anna	Navajo Nation Environmental Protection Agency Superfund Program	Meeting Transcript (ML21144A007)	24-10
Martinez-Silversmith, Lee Anna	Navajo Nation Environmental Protection Agency Superfund Program	Meeting Transcript (ML21144A007)	24-16
Staff	Navajo Nation Environmental Superfund Program	Email (ML21306A334)	99
Miller, Suzanne		Email (ML21147A505)	64
Moe, Tammi		Meeting Transcript (ML20349A095)	1-20
Moore, Curtis	Energy Fuels, Inc	Email (ML21147A507)	37
Morgan, Leona		Email (ML21148A050)	42
Morgan, Leona		Meeting Transcript (ML20349A095)	1-16
Morgan, Leona		Meeting Transcript (ML20349A095)	1-4
Morgan, Leona		Meeting Transcript (ML20353A388)	2-10
Morgan, Leona		Meeting Transcript (ML20353A388)	2-3
Morris, Christina		Oral (ML21306A189)	98-3
Morris, Sue and John		Email (ML21126A313)	20
Murphy, Alfred		Meeting Transcript (ML21271A163)	96-1
Murphy, Alfred		Meeting Transcript (ML21271A163)	96-13
Murphy, Alfred		Meeting Transcript (ML21271A163)	96-16
Murphy, Alfred		Meeting Transcript (ML21271A163)	96-18
Murphy, Alfred		Meeting Transcript (ML21271A163)	96-22
Murphy, Alfred		Meeting Transcript (ML21271A163)	96-23

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<b>Commenter</b>	<b>Affiliation (if stated)</b>	<b>Comment Source and Document ID</b>	<b>Correspondence ID</b>
Murphy, Alfred		Meeting Transcript (ML21271A163)	96-26
Murphy, Alfred		Meeting Transcript (ML21271A163)	96-33
Murphy, Alfred		Meeting Transcript (ML21271A163)	96-7
Murphy, Alfred		Meeting Transcript (ML21271A163)	96-8
Murrieta, Ana		reg.gov (ML21112A001)	19
Nez, Bertha		Meeting Transcript (ML21144A007)	24-14
Nez, Jonathan	Navajo Nation President	Email (ML20357B084)	8
Nez, Jonathan	Navajo Nation President	Email (ML21152A051)	93
Nez, Jonathan	Navajo Nation President	Letter (ML21111A360)	15
Nguyen, Vu		Email (ML21148A053)	76
Nouse, Roger		Meeting Transcript (ML21271A163)	96-11
Ohanian, Laura		Email (ML21147A570)	90
Orlinski, Patricia		Email (ML21140A430)	32
Pederson, Mathew		reg.gov (ML21111A185)	18
Perret, Marlene		Meeting Transcript (ML21144A007)	24-4
Perry, Jonathan		Meeting Transcript (ML20349A095)	1-6
Prijatel, Jean	U.S Environmental Protection Agency	Email (ML21147A555)	40
Public, Jean		Email (ML20364A186)	9
Ratcliff, Philip		Email (ML21130A691)	85
Reade, Deborah		Email (ML21130A688)	27
Richard, Pamela		Email (ML21152A059)	95
Richards, Linda		Email (ML21148A054)	77
Sager, Tom and Helen		Email (ML21147A557)	65
Seffens, Patricia		reg.gov (ML21007A283)	17
Shaughnessy, Eileen		Meeting Transcript (ML20353A388)	2-8
Shera, Katherine		Meeting Transcript (ML20353A388)	2-1
Staff	Navajo Nation Environmental Protection Agency	Letter (ML21147A554)	83
Shirley, Valinda	Navajo Nation Environmental Protection Agency	Meeting Transcript (ML20349A095)	1-13
Shirley, Valinda	Navajo Nation Environmental Protection Agency	Meeting Transcript (ML20349A095)	1-15
Sholander, Graciela		Email (ML21144A128)	47
Shuey, Chris		Meeting Transcript (ML20353A388)	2-7

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<b>Commenter</b>	<b>Affiliation (if stated)</b>	<b>Comment Source and Document ID</b>	<b>Correspondence ID</b>
Silverman, Marc		Email (ML21147A270)	88
Silversmith, Linda		Email (ML21145A206)	49
Smith, Elizabeth		Email (ML21147A574)	73
Tache, Janet		Email (ML21144A111)	44
Taylor, Joan		Email (ML21148A063)	80
Thomas, Marina	O'odham Stronghold	Email (ML21147A573)	91
Thomas, Tony		Meeting Transcript (ML21271A163)	96-10
Thomas, Tony		Meeting Transcript (ML21271A163)	96-17
Thomas, Tony		Meeting Transcript (ML21271A163)	96-32
Tsosie, Lester		Meeting Transcript (ML20349A095)	1-11
Tussing, Kathy		Email (ML21141A061)	34
Urcadez, Austin		reg.gov (ML21112A001)	19
Verhulst, Johannah		Email (ML21014A269)	10
Vicente, Dan		Email (ML21147A001)	53
Watchempino, Laura		Email (ML21147A130)	56
Whiterock, Jerry		Meeting Transcript (ML21271A163)	96-25
Whiterock, Jerry		Meeting Transcript (ML21271A163)	96-35
Widner, Brianna		Email (ML20349A303)	6
Williams, George		Oral (ML21306A189)	98-2
Williams, Laurie		Meeting Transcript (ML21144A007)	24-15
Williams, Laurie		Meeting Transcript (ML21144A007)	24-21
Willis, Victoria		Meeting Transcript (ML20353A388)	2-5
Wolman, Carol		Email (ML21130A689)	28
Wolman, Carol		Email (ML21147A482)	62
Woodcock, Charlene		Email (ML21126A344)	22
Yarbrough, Jim		Email (ML21147A277)	89
Yazzie, Dariel	Navajo Nation Environmental Protection Agency Superfund Program	Meeting Transcript (ML20349A095)	1-1
Yazzie, Dariel	Navajo Nation Environmental Protection Agency Superfund Program	Meeting Transcript (ML20349A095)	1-21
Yazzie, Dariel	Navajo Nation Environmental Protection Agency Superfund Program	Meeting Transcript (ML20349A095)	1-9
Yazzie, Dariel	Navajo Nation Environmental Protection Agency Superfund Program	Meeting Transcript (ML20353A388)	2-1

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<b>Commenter</b>	<b>Affiliation (if stated)</b>	<b>Comment Source and Document ID</b>	<b>Correspondence ID</b>
Yazzie, Dariel	Navajo Nation Environmental Protection Agency Superfund Program	Meeting Transcript (ML20353A388)	2-11
Yazzie, Dariel	Navajo Nation Environmental Protection Agency Superfund Program	Meeting Transcript (ML21144A007)	24-18
Yazzie, Dariel	Navajo Nation Environmental Protection Agency Superfund Program	Meeting Transcript (ML21144A007)	24-2
Yazzie, Dariel	Navajo Nation Environmental Protection Agency Superfund Program	Meeting Transcript (ML21271A163)	96-36
Yazzie, Edmund	Navajo Nation Pinedale Chapter	Meeting Transcript (ML21307A309)	101-7
* Speaker did not identify themselves or it was unclear from the transcript who was speaking.			

**Table 2. Individuals Submitting the Form E-Mail Sponsored by William Snavelly,  
Correspondence ID 0026, and Representative ADAMS Accession No.  
ML21130A686**

<b>Last Name</b>	<b>First Name</b>	<b>ADAMS Accession No.</b>
Arkema	Carroll	ML21130A687
Baker-Smith	Gerritt and Elizabeth	ML21137A179
Bosold	Patrick	ML21130A693
Landau	Doug	ML21134A166

**Table 3. Individuals Submitting the Form E-Mail Sponsored by Red Water Pond  
Road Community Association, Correspondence ID 0031, and Representative  
ADAMS Accession No. ML21140A427**

<b>Last Name</b>	<b>First Name</b>	<b>ADAMS Accession No.</b>
Atkinson	Ellen	ML21147A487
Cate	Deborah	ML21147A030
Chan	Sonja	ML21147A568
Corry	Ronit	ML21147A497
Couch	Sandra	ML21144A129
Couch	Sandra	ML21147A569
Craig	Anne	ML21144A127
Foster	Tracy	ML21146A360
Graves	Caryn	ML21147A556
Kurland	Miriam	ML21147A280
Lupenko	Andrei	ML21147A576
Lynch	Laura	ML21147A493
O'Sullivan	Katherine	ML21147A492
Patterson	Carol Joan	ML21152A056

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<b>Last Name</b>	<b>First Name</b>	<b>ADAMS Accession No.</b>
Pieth	Reto	ML21141A248
Tomasello	Andrei	ML21147A576
Whiting	Carol Joan	ML21152A056

**Table 4. Individuals Submitting the Form E-Mail Sponsored by Molly Blakley,  
Correspondence ID 0071, and Representative ADAMS Accession No.  
ML21147A571**

<b>Last Name</b>	<b>First Name</b>	<b>ADAMS Accession No.</b>
Ashley	Nicholas	ML21147A563
Baron-Deutsch	Melina	ML21141A251
Conwell	Douglas	ML21144A124
Hartfield	Kamryn	ML21147A494
Kong	Lilian	ML21146A362
Martin	Britt	ML21148A058
Robert	Mary	ML21147A561
Sjogren	Morgan	ML21147A566
Vahey	Magnolia	ML21148A061
Willett	Chi	ML21147A575

**Table 5. Signers on E-Mail Sponsored by Susan Gordon, Multicultural Alliance  
for a Safe Environment, Correspondence ID 0039, ADAMS Accession No.  
ML21147A552**

<b>Last Name</b>	<b>First Name</b>	<b>Affiliation (if stated)</b>
Anderson	Cee' Cee'	Georgia Women's Action for New Directions
Angel	Bradley	Greenaction for Health and Environmental Justice
Arends	Joni	Concerned Citizens for Nuclear Safety
Azulay	Jessica	Alliance for a Green Economy
Barnes	Kathryn	Don't Waste Michigan Sherwood Chapter
Belisle	Mavis	Dallas Peace and Justice Center
Boomer	John	Bluewater Valley Downstream Alliance
Boyd	Talia	Grand Canyon Trust
Brittle	Stephen	Don't Waste Arizona
Burie	Dale	Coalition to SAVE the Menominee River
Burnam	Lon	Peace Farm
Burton	Nancy	Connecticut Coalition Against Millstone
Carberry	Mike	Green State Solutions
Clark	Peter	Indigenous Rights Center
Colley	Vina	Portsmouth/Piketon Residents for Environmental Safety & Security

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<b>Last Name</b>	<b>First Name</b>	<b>Affiliation (if stated)</b>
Collins	Jessie	Citizens' Resistance at Fermi Two
Croonquist	Robert	Youth Arts New York/Hibakusha Stories
Davis	Carol	Diné Citizens Against Ruining our Environment
Dewey	Laura	Women's International League for Peace & Freedom (Detroit Branch)
DuBois	Gwen	Chesapeake Physicians for Social Responsibility
Emerman	Steven	Malach Consulting
Evers	Linda	Post 71 Uranium Workers Committee
Ford	Leigh	Snake River Alliance
Foster	Demis	Conservation Voters New Mexico
Fuller	Kelly	Western Watersheds Project
Gilbert	Petuuche	Laguna Acoma Coalition for a Safe Environment
Gordon	Susan	Multicultural Alliance for a Safe Environment
Greene	Manna Jo	Hudson River Sloop Clearwater
Greenwald	Janet	Citizens for Alternatives to Radioactive Dumping
Hadden	Karen	SEED Coalition
Hirt	Alice	Don't Waste Michigan
Hughs	Ed and Patty	Northeastern New Mexicans United Against Nuclear Waste
Inoue	Mari	Manhattan Project for a Nuclear-Free World
Judson	Tim	Nuclear Information and Resource Service
Kamps	Kevin	Beyond Nuclear
Keegan	Michael	Coalition for a Nuclear Free Great Lakes
Keeney	Sara	Albuquerque Monthly Meeting of the Religious Society of Friends (Quaker)
Kliegman	Sarah	Okanogan Highlands Alliance
Kovac	Scott	Nuclear Watch New Mexico
Kraft	David	Nuclear Energy Information Service
Laforge	John	Nukewatch
Lee	Michel	Council on Intelligent Energy & Conservation Policy
Lopez	Todd	Rio Grande Return
Lundeen	Kelly	Nukewatch
Marshall	Carla Rae	Black Hills Clean Water Alliance
Maze Johnson	Peggy	Heart of American Northwest
McCoy	Dave	Citizen Action New Mexico
Mintzes	Aaron	Earthworks
Olson	Kerwin	Citizens Action Coalition of IN

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<b>Last Name</b>	<b>First Name</b>	<b>Affiliation (if stated)</b>
Parks	Sheila	On Behalf Of Planet Earth
Pe	Angel	GreenLatinos
Pe	Angel	Nuestra Tierra Conservation Project
Perry	Jonathan	Eastern Navajo Diné Against Uranium Mining
Plachta	Jessica	Lynn Canal Conservation
Rogers	Ann	Northern Michigan Environmental Action Council
Rondon	Anna	NM Social Justice and Equity Institute
Rubin	Jerry	Los Angeles Alliance for Survival
Salazar	Kent	Hispanics Enjoying Camping and Hunting and the Outdoors
Shuey	Chris	Southwest Research and Information Center
Simpson	Oscar	Rio Grande Indivisible, NM
Siwik	Allyson	Gila Resources Information Project
Slater	Alice	Nuclear Age Peace Foundation
Steele	Joanne	Nuclear Watch South
Stolero	Debra	Vermont Yankee Decommissioning Alliance
Swanson	Jane	San Luis Obispo Mothers for Peace
Thomas	Ellen	Proposition One Committee
Thurston	Jennifer	Information Network for Responsible Mining
Treichel	Judy	Nevada Nuclear Waste Task Force
Turco	Diane	Cape Downwinders
Warren	Barbara	Citizens' Environmental Coalition
Williams	Scott	Healthy Environment Alliance of Utah
Zabarte	Ian	Native Community Action Council
Zupan	Joseph	Amigos Bravos

**Table 6. Signers on E-Mail Sponsored by Susan Gordon, Multicultural Alliance for a Safe Environment, Correspondence ID 0100, ADAMS Accession No. ML21306A341**

<b>Last Name</b>	<b>First Name</b>	<b>Affiliation (if stated)</b>
Belisle	Mavis	Dallas Peace and Justice Center
Boudart	Jan	
Brittle	Stephen	Don't Waste Arizona
Brown	Joan	New Mexico Interfaith Power and Light
Burnam	Lou	Peace Farm



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<b>Last Name</b>	<b>First Name</b>	<b>Affiliation (if stated)</b>
Cecchini	Rose Marie	Office of Peace, Justice & Creation, Catholic Charities of Gallup Diocese
Clements	Tom	Savannah River Watch
Coghan	Jay	Nuclear Watch New Mexico
Colley	Vina	National Nuclear Workers for Justice
Colley	Vina	Portsmouth/Piketon Residents for Environmental Safety and Security
Collins	Jessie	Citizens' Resistance at Fermi 2
Cousins	Brian	
Cousins	Marina	
Cousins	Stirling	
Croom	Carolyn	
Darling	Ann	
Denton	Richard	Co-Chair of North America International Physicians for the Prevention of Nuclear War
Evans	Gail	
Evers	Linda	Post 71 Uranium Workers Committee
Folkser	Cindy	Beyond Nuclear
Ford	Leigh	Snake River Alliance
Frisch	Ann	
Gordon	Susan	Multicultural Alliance for a Safe Environment
Gould	Robert	San Francisco Bay Physicians for Social Responsibility
Greer Deason	Melanie	
Gunnell	Jana	
Henio	Grace	
Hirt	Alice	Don't Waste Michigan
Jaccard	Helen	Veterans For Peace, Golden Rule Project
Jarding	Lilias	Black Hills Clean Water Action
Keegan	Michael	Coalition for a Nuclear Free Great Lakes
Keyanna	Teracita	
LaForge	John	Nukewatch
Lee	Michael	Council on Intelligent Energy & Conservation Policy (CIECP)
Lee Ramah	Yin-Mae	
Lewison	Linda	
Lodge	Terry	Toledo Coalition for Safe Energy
Marida	Patricia	Ohio Nuclear Free Network
Maze Johnson	Peggy	Heart of America Northwest
Medeiros	Kimberly	Science for the People
Mulligan	Maureen	Three Mile Island Alert
Olson	Mary	Gender and Radiation Impact Project
Parks	Sheila	On Behalf Of Planet Earth
Perrottee	Marlene	Partnership for Earth Spirituality

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<b>Last Name</b>	<b>First Name</b>	<b>Affiliation (if stated)</b>
Seeley	Linda	San Luis Obispo Mothers for Peace
Sensei	Stephen	
Slater	Alice	Nuclear Age Peace Foundation
Stevens	Jean	Taos Environmental Film Festival
Stoleroff	Debra	Vermont Yankee Decommissioning Alliance
Terk	Rebecca	Dakota Rural Action
Treichel	Judy	Nevada Nuclear Waste Task Force
Turco	Diane	Cape Town Downwinders
Vaughn	Bobby	A Call to Actions
Warren	Barbara	Citizens' Environmental Coalition
Whitney	John	Western New York Environmental Alliance