

From: [McPherson, Ann](#)
To: [UNC-ChurchRockEIS Resource](#); [Waldron, Ashley](#)
Subject: [External_Sender] EPA's scoping comments for the UNC Church Rock Project
Date: Thursday, April 18, 2019 2:48:49 PM
Attachments: [2019-04-18 EPA comments NOI ChurchRock.pdf](#)

Greetings Ashley,

Attached please find a pdf of EPA's scoping comments for the United Nuclear Corporation (UNC) Church Rock Project.

We appreciate the Nuclear Regulatory Commission's work on this project and the opportunity to provide feedback. Please contact me if you have any questions about our comments.

Regards,

Ann McPherson

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

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APR 18 2019

Ms. Ashley Waldron
Office of Nuclear Material Safety and Safeguards
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Scoping Comments for the United Nuclear Corporation Church Rock Project, McKinley County, New Mexico

Dear Ms. Waldron:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published on February 8, 2019 requesting comments on the U.S. Nuclear Regulatory Commission's (NRC) decision to prepare an Environmental Impact Statement (EIS) for the United Nuclear Corporation (UNC) Church Rock Project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act, which mandates that EPA review and comment in writing on EISs prepared by other federal agencies.

As you know, the purpose of this action is to implement a remedy selected by EPA for cleanup of the Northeast Church Rock (NECR) Mine Site. Specifically, UNC has requested authorization from the NRC to amend its license (SUA-1475) to excavate approximately 1 million cubic yards (CY) of mine spoils from the NECR Mine Site and dispose of it at the existing Church Rock Mill Site (UNC Mill) in McKinley County, New Mexico. EPA has been involved with the cleanup of the Northeast Church Rock Mine Site since 2005 when the Navajo Nation requested that EPA take the lead on addressing this site under CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) authority. We have appreciated the ongoing cooperation and coordination between NRC and EPA on this project in anticipation of the license amendment request.

EPA has extensive institutional knowledge of current and past activities related to both the NECR Mine and UNC Mill sites. We have also overseen the development of the design for the CERCLA action. Therefore, EPA is available to provide relevant supporting information about the project to NRC as you develop the Draft and Final EIS. We look forward to coordinating with you. Please also consider the following additional recommendations.

Technical Reports

In conjunction with CERCLA, EPA oversaw extensive technical analysis related to the proposal to move mine waste from the NECR Mine Site onto the UNC Mill Site for disposal. The Supplemental Environmental Report,¹ published on September 24, 2018, references many documents that provide information on topics that are relevant to the preparation of the EIS under NEPA. Available technical reports address topics such as repository design, stormwater controls, geotechnical analysis, hydrologic

¹ Supplemental Environmental Report for the United Nuclear Corporation Site Source Material License Amendment Request, McKinley county, New Mexico, USA, September 24, 2018.

modeling, transportation, and other important analyses to support the proposed action. EPA recommends that information from these technical documents be summarized and incorporated by reference into the EIS.

Alternatives Analysis

Alternative disposal options for waste from the Northeast Church Rock Mine Site have been studied for several years. Through a process that included identifying concerns from the community, EPA evaluated fourteen alternative disposal sites in 2011.² Multiple alternatives for configuration of the storage repository were also analyzed in the 2016 Design Workplan, Appendix A, which EPA will provide through a separate transmittal. These public documents describe various alternatives that were previously considered, along with the rationale for their elimination from further analysis at the time. EPA recommends that the prior consideration of alternative disposal options and alternative storage repository locations be summarized in the Draft EIS with references to relevant supporting documents.

Cumulative Impacts – Nearby Mine

EPA is in the process of analyzing alternatives for cleanup of the nearby Quivira Mine Site. We recommend that the NRC consider the scope of cleanup efforts associated with the Quivira Site within the cumulative impacts analysis for the EIS. EPA can provide additional information about the scope of the cleanup effort required for this project.

Tribal Coordination

While we understand that NRC is responsible for formally consulting with the Navajo Nation regarding the impacts of the proposed project, we note that EPA participated in formal consultation with the Navajo Nation on EPA's Engineering Estimate/Cost Analysis addressing a variety of alternatives. The publicly available documents that were produced as a part of that consultation may be of assistance to NRC as the Draft EIS is being prepared.

We appreciate the opportunity to provide comments on the preparation of the Draft EIS. Please feel free to contact Sara Jacobs at jacobs.sara@epa.gov or 415-972-3564 for questions related to the NECR Mine Site or Janet Brooks at brooks.janet@epa.gov or 415-214-665-7598 for questions related to the UNC Mill Site. If you have any questions related to NEPA, please contact me at 415-947-4161 or contact Ann McPherson at 415-972-3545 or mcpherson.ann@epa.gov.

Sincerely,



Connell Dunning, Acting Manager
Environmental Review Section

CC: Robert Houston, EPA Region 6

² See internet site: <https://semspub.epa.gov/work/09/100002847.pdf>