

**From:** Eric Jantz <ejantz@nmelc.org>  
**Sent:** Wednesday, May 19, 2021 5:16 PM  
**To:** UNC-ChurchRockEIS Resource  
**Subject:** [External\_Sender] Docket No. NRC-2019-0026, NUREG-2243; Red Water Pond Rd. Community Association Preliminary Comments on NECRM DEIS  
**Attachments:** RWPRCA Preliminary DEIS Comments SIGNED.pdf

Dear Sirs/Madams:

Please find attached the Red Water Pond Road Community Association's preliminary comments on the Draft Environmental Impact Statement in the above matter. Please do not hesitate to contact me if you have any questions.

Regards,

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Red Water Pond Road Community Association  
P.O Box 182  
Churchrock, New Mexico 87311

U.S. Nuclear Regulatory Commission  
Office of Administration  
Mail Stop: TWFN-7-A60M  
Washington, DC 20555-0001  
ATTN: Program Management, Announcements and Editing Staff.

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]

May 10, 2021

Dear Mr. Tappert:

Please accept the following preliminary comments from we, the members of the Red Water Pond Road Community Association ("Community"), regarding the above matter. As noted, these are our preliminary comments. We will be submitting additional, more detailed, comments by the May 27, 2021 comment deadline.

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.

The Northeast Churchrock Mine is the largest abandoned uranium mine ("AUM") on the Navajo Nation. Our community, 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 UNC uranium mill and mill tailings disposal facility. 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' Dziil.

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.

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. 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.

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.

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. 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. Further, 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.

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;
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;
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.

Regards,

Edith Hood

Tom Jefferson  
Tom Jefferson

Boelen

Getum Bell

Ann M. Smith

Sara Jacobs

Bertha Kay

[Signature]

[Signature]

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Rose M. Bell

Cc: Ms. Ashley Waldron, U.S. Nuclear Regulatory Commission  
Mr. James Smith, U.S. Nuclear Regulatory Commission  
Ms. Sara Jacobs, U.S. Environmental Protection Agency, Region 9