From: De Pree, Thomas <tad2135@tc.columbia.edu>
Sent: Friday, May 28, 2021 1:13 AM
To: UNC-ChurchRockEIS Resource
Subject: [External_Sender] Public Comments on Waste Consolidation Draft EnvironmentalImpact Statement [License No. NUREG-2243]
Attachments: NRC DEIS NECRM Public comment .docx

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, Public Comments on Waste Consolidation Draft Environmental Impact Statement [License No. NUREG-2243]
To Whom It May Concern,
Thanks in advance for your consideration of the following public comment on the Draft Environmental Impact Statement (DEIS) for General Electric's (GE) waste consolidation plan for the former United Nuclear Corporation's (UNC) Northeast Church Rock (NECR) uranium mine. I am submitting this public comment as a concerned denizen of New Mexico who has close friends and colleagues who live and work in the so-called "checkerboard area" of the southeastern Navajo Nation (*Diné Bikéyah*) and northwestern New Mexico.
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). 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.
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.
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. For this reason, 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.

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.

Given the concerns outlined above, I will make the following recommendations that echo the concerns of my friends and colleagues from RWPRC, ENDAUM, and Native American and non-Native communities that have been impacted by the legacies of uranium mining throughout NM and the U.S. Southwest:

- 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."

- 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.

- 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.

- 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.

- The NRC should deny General Electric's application to amend its license to allow for the consolidation of NECRM waste on UNC mill tailings.

- 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.

Thanks again for considering my comments and recommendations. 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.

I wish you all the best in your regulatory decision-making and delivering justice evenly across stakeholder interests, which can often feel unbalanced and starkly uneven among the local communities who have lived with the externalized costs of production from the mineral and energy resource extraction industry.
Sincerely,
Thomas De Pree
Albuquerque, NM

(This email contains my opinions alone. I do not represent any of my institutional affiliations.)

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May 27, 2021

U.S. Nuclear Regulatory Commission
Office of Administration
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