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Subject: [External_Sender] Re: Docket ID NRC-2019-0026, Comments on Waste Consolidation DEIS [License No. NUREG-2243]
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Attachments: [21.10.27 NRC DEIS sign-on letter.pdf](#)

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Keep Uranium In The Ground!

U.S. Nuclear Regulatory Commission
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ATTN: Program Management, Announcements and Editing Staff

Re: Docket ID NRC-2019-0026, Comments on Waste Consolidation Draft
Environmental Impact Statement [License No. NUREG-2243]

October 28, 2021

Dear Sirs/Madams:

We, the undersigned individuals and organizations, submit the following comments on the U.S. Nuclear Regulatory Commission's ("NRC") Draft Environmental Impact Statement for the Disposal of Mine Waste at the United Nuclear Corporation ("UNC") Mill Site in McKinley County, New Mexico NUREG-2243 ("DEIS").

Since the dawn of the Atomic Age, 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. 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.

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 We demand that the DEIS be withdrawn, and that the Federal government work with the Red Water Pond Road community, the Navajo Nation and, as appropriate, New Mexico government to generate a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.

We oppose the consolidation of NECRM waste at the UNC Mill site for the following reasons.

First, 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.

Second, 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.

Finally, 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.

Here, the NRC has failed on all counts. Consultation has amounted to federal agencies telling Navajo communities what will be done to them. Further, the 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.

For too long, 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.

Sincerely,

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on behalf of 17 Individuals and 38 Organizations attached

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