



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 4, 2022

IN RESPONSE, PLEASE
REFER TO: M220422B

SECRETARY

MEMORANDUM TO: Daniel H. Dorman
Executive Director for Operations

FROM: Brooke P. Clark, Secretary **Brooke P. Clark** Digitally signed by Brooke P. Clark
Date: 2022.05.04 17:44:44 -04'00'

SUBJECT: STAFF REQUIREMENTS– DISCUSSION OF THE TEN-YEAR
PLAN TO ADDRESS IMPACTS OF URANIUM CONTAMINATION
ON THE NAVAJO NATION AND LESSONS LEARNED FROM
THE REMEDIATION OF FORMER URANIUM MILL SITES

On April 22, 2022, the Commission held a dialogue with an external panel and an NRC staff panel on the ten-year plan of interagency actions to address the impacts of uranium contamination on the Navajo Nation. The panelists also provided updates on, and lessons learned from, remediation activities at former uranium mill sites throughout the west and, particularly, at the Northeast Church Rock Mine and United Nuclear Corporation (UNC) Mill Sites. The licensee for the UNC Mill Site has requested an amendment to its reclamation plan and associated reclamation timelines. If approved, the amendment would include construction of a repository for mine-impacted soil and debris on the licensed mill tailings disposal area. Mine waste would be removed from the nearby Northeast Church Rock Mine Site, transported to, and placed in the repository, which would be located on the existing tailings disposal area.

The external panel addressed the following matters:

- Jonathan Nez, President of the Navajo Nation, represented the views of the Navajo Nation. President Nez addressed the U.S.-Navajo Nation partnership that arises from a long history of treaty commitments that brought responsibilities for both sides. President Nez highlighted the Navajo Nation's unique contributions to the United States, and notably its international and domestic contributions during World War II. From this shared history of obligations and commitment to democracy, President Nez underscored that the federal government now has a responsibility to remove uranium mine waste and debris not only from Church Rock, but also from all abandoned mines across the Navajo Nation.
- Valinda Shirley, Executive Director, Navajo Nation Environmental Protection Agency (Navajo Nation EPA), provided the views of that agency. She highlighted infirmities identified by the Navajo Nation EPA in the NRC staff's draft environmental impact statement associated with the UNC Mill Site license amendment application. She also discussed the importance of the land to the Navajo way of life and reiterated the Navajo Nation's view that the mine-impacted soil and debris should be removed from Navajo lands.
- Edith Hood of the Red Water Pond Road Community Association represented the community and expressed its opposition to moving the mine waste from the Northeast Church Rock Mine Site to the existing tailings disposal area on the UNC Mill Site.

- Michael Montgomery, Region 9 Superfund Division Director, U.S. EPA, discussed the EPA's work under the ten-year plan to address abandoned uranium mines on the Navajo Nation, as well as the status of the Northeast Church Rock Mine Site.
- Brian Crossley, Water & Fish Program Manager, Department of Natural Resources, Spokane Tribe of Indians, discussed ongoing cleanup activities at the Dawn Mining Company uranium recovery facility, a former conventional mill site located in Ford County, Washington. The site is on land held in trust for the Spokane Tribe. Mr. Crossley's presentation highlighted the Tribe's involvement with ongoing remediation activities, including addressing contaminated groundwater.
- William Frazier, Site Manager, Office of Legacy Management, U.S. Department of Energy (DOE), discussed the activities of DOE's Office of Legacy Management (LM), which accepts sites after other entities have completed cleanup activities and performs long-term surveillance and maintenance at the sites. Mr. Frazier discussed several LM sites on the Navajo Nation as well as the UNC Mill Site, which is slated to be accepted for long-term stewardship in the future.
- Stevie Norcross, Assistant Director, Division of Waste Management and Radiation Control, Utah Department of Environmental Quality, discussed the State of Utah's lessons learned associated with the former Rio Algom Lisbon Valley Uranium Mill. Dr. Norcross discussed challenges with impoundment covers that are not preventing discharge of uranium tailings into groundwater, thereby necessitating cover repair, continued mitigation, and continued groundwater modeling at the site.

Four members of the NRC staff also provided presentations. Catherine Haney, Deputy Executive Director for Materials, Waste, Research, State, Tribal, Compliance, Administration, and Human Capital Programs, provided an overview of the NRC's role in the ten-year plan. John Lubinski, Director of the Office of Nuclear Material Safety and Safeguards (NMSS) discussed lessons learned from remediation activities at former uranium mill sites. Bill Von Till, Chief of the Uranium Recovery and Decommissioning Branch, NMSS, discussed the current status of remediation of former uranium mill sites, with a focus on tribal outreach. Jessie Quintero, Chief of the Environmental Review Materials Branch, NMSS, discussed the NRC's review of the UNC license amendment request. Ms. Quintero particularly focused on the NRC's environmental review under the National Environmental Policy Act, and how that work incorporated coordination with the Navajo Nation and other stakeholders.

The meeting, which was held at the Hilton Garden Inn, Gallup, New Mexico at 6:30 p.m. Mountain Time, was open to members of the public attending in person, as well as those accessing the meeting via webcast and telephone.

To give the Commission and the NRC staff additional time to consider the UNC Mill Site proposal, the staff should not issue the Final Environmental Impact Statement or the Final Safety Evaluation Report until further direction is provided by the Commission.

cc: Chairman Hanson
 Commissioner Baran
 Commissioner Wright
 OGC
 CFO
 OCA
 OIG
 OPA
 ODs, RAs, ACRS, ASLBP

PDR