



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105**

August 25, 2022

Brooke P. Clark, Secretary of the Commission  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Re: UNC License Amendment Request – Northeast Church Rock Mine Site  
UNC-Church Rock Mill Site, McKinley County, New Mexico  
Follow-up to April 22, 2022, Meetings

Dear Ms. Clark:

The United States Environmental Protection Agency (USEPA) appreciated the opportunity to participate in the April 22, 2022, meetings that the Nuclear Regulatory Commission (NRC) held on and near the Navajo Nation regarding the United Nuclear Corporation (UNC) – Church Rock Mill Site license amendment request to allow implementation of the USEPA selected remedy for the Northeast Church Rock (NECR) Mine Site. It was helpful for me and other USEPA representatives to meet the NRC Commissioners and other representatives in person.

I am sending this letter to update the Commission on the actions USEPA has taken since the April 22<sup>nd</sup> meetings.

Coordination with NRC, United States Department of Energy Legacy Management (DOE LM) and Navajo Nation EPA (NNEPA): USEPA has continued to closely coordinate with staff at NRC and DOE LM (as the anticipated steward after UNC license termination) to ensure appropriate information sharing and coordination among the federal agencies. This has included regular meetings at the staff level and a meeting with NRC and DOE senior leadership on June 1, 2022. USEPA has also continued close coordination with NNEPA through weekly meetings at the staff and management level and monthly meetings with NNEPA Executive Director Valinda Shirley. I will be traveling to Window Rock next week for in-person meetings with Navajo EPA to discuss capacity building, leveraging the abundance of Federal funding for potential solid waste/mine waste projects and our work with Federal partners to identify off-Navajo Nation co-disposal opportunities on Federal lands. These interactions have helped us to ensure that we fully appreciate the concerns voiced by the Navajo Nation leadership and consider the best ways to address them.

Engagement with Local Communities: The week of May 9<sup>th</sup>, Martha Guzman, USEPA Region 9 Administrator, and Dr. Carlton Waterhouse, Assistant Administrator for the USEPA Office of

Land and Emergency Management and I visited the Navajo Nation and met with communities impacted by abandoned uranium mines. This included meeting with residents of the Red Water Pond Road community to give them an additional opportunity to express their concerns. We were also able to meet with NNEPA Executive Director Valinda Shirley to discuss the broader challenge of finding acceptable disposal options for mine waste from abandoned uranium mines. In addition, staff have continued regular communications with the Red Water Pond Road and Pipeline Canyon Road Communities. These discussions have included updates regarding ongoing activities at the NECR Mine Site, the implementation of Red Water Pond Road Voluntary Alternative Housing program, listening to the concerns raised by the community in response to the NECR remedy, and developing actions responsive to those concerns.

Measures to address NNEPA and Community Concerns: USEPA has carefully considered what additional measures may be available to address the concerns raised by NNEPA and the local communities. After consultation with NRC, DOE LM and NNEPA, USEPA has identified and will implement the following measures:

- Conducting a comprehensive air monitoring initiative within the community to address concerns regarding exposure to airborne contamination, which will include radiological monitoring of ambient air as well as indoor air quality assessments.
- Coordinating closely with NNEPA on implementation of groundwater studies at or near the mine site.
- Working closely with NNEPA, as a co-regulator, and enlisting community input on the finalization of key deliverables for the implementation of the remedy. Some key deliverables may include the Cleanup Verification Plan, Revegetation Plan, Updated Dust Control and Monitoring Plan and the Updated Traffic Safety and Security Plan.
- Respecting Navajo cultural practices by consulting with NNEPA on the implementation of the Guidance for the Uniform Application of Fundamental Law of the Dine for AUM Cleanup Activities (NNEPA, July 15, 2022).
- Effectively involving NNEPA and surrounding communities in the long-term stewardship of the UNC-Church Rock Mill Site. Both USEPA Region 6 and US DOE LM will be involved in long-term operation and maintenance of the Mill Site.

If the NRC approves the license amendment that would allow the NECR remedy to proceed, USEPA plans to collaborate and coordinate with NRC, DOE LM, NNEPA and the community throughout the remedy implementation process.

Creating Opportunities to Evaluate Mine Waste Management Solutions Off-Navajo Nation for Remaining Mine Sites: USEPA has selected a protective remedy for the NECR Mine Site and approved the remedial design. The comments received have not included evidence that would support reconsideration of USEPA's determination that the selected remedy will be protective. We recognize that many other NAUM sites are in the remedial evaluation phase and might benefit from identifying off-Navajo Nation mine waste management solutions. Our leadership has held a series of meetings and calls with the White House Office of Intergovernmental Affairs and federal land management agencies and departments with the goal of developing additional viable disposal options for priority mines. In October we are conducting a Workshop in Denver, CO and I am very pleased to share that NRC leadership, including Director Lubinski and Branch Chief Von Till have confirmed their attendance.

Lastly, I want to offer to share additional information with the Commission or individual new Commissioners on the information presented in this letter or any of the topics covered in the April 22<sup>nd</sup> meeting.


I am available at [montgomery.michael@epa.gov](mailto:montgomery.michael@epa.gov) or (415) 972-3438. Thank you for your consideration.

Sincerely,

**MICHAEL  
MONTGOMERY**

Michael Montgomery

Director, Superfund and Emergency Management Division

 Digitally signed by MICHAEL  
MONTGOMERY  
Date: 2022.08.25 08:35:27 -07'00'

cc: John Lubinski, Director, Office of Nuclear Material Safety and Safeguards

## McCloskey, Bridin

---

**From:** Montgomery, Michael <[Montgomery.Michael@epa.gov](mailto:Montgomery.Michael@epa.gov)>

**Sent:** Thursday, August 25, 2022 11:37 AM

**To:** Clark, Brooke <[Brooke.Clark@nrc.gov](mailto:Brooke.Clark@nrc.gov)>

**Cc:** Lubinski, John <[John.Lubinski@nrc.gov](mailto:John.Lubinski@nrc.gov)>; Roberts, Ashley <[Ashley.Roberts@nrc.gov](mailto:Ashley.Roberts@nrc.gov)>; Mahmud, Shahid <[Mahmud.Shahid@epa.gov](mailto:Mahmud.Shahid@epa.gov)>; Duncan, Will (he/him) <[Duncan.Will@epa.gov](mailto:Duncan.Will@epa.gov)>; Butler, Thomas <[Butler.Thomas@epa.gov](mailto:Butler.Thomas@epa.gov)>; Von Till, Bill <[Bill.VonTill@nrc.gov](mailto:Bill.VonTill@nrc.gov)>

**Subject:** [External\_Sender] Update for NRC Re USEPA NAUM program

Brooke,

Attached please find a letter providing an update for the Commission on USEPA efforts to advance cleanup of Abandoned Uranium Mines on the Navajo Nation.

Thank you for your assistance,

Mike

Michael Montgomery

(He/Him)

Director

Region 9 Superfund and Emergency Management Division

(415) 972-3438

(415) 933-0294 (cell)