

Red Water Pond Road Community Association –

Remarks of Edith Hood to New Mexico Legislature's
Interim Radioactive and Hazardous Materials Committee

Grants, NM
Sept. 6, 2022



Left: Edith Hood addresses NRC Commissioners at RWPRCA Shade House, April 22, 2022. Right: Navajo Nation President Jonathan speaks as NRC Chairman Christopher Hansen listens.

Community opposes EPA-NRC plan to move 1 million cubic yards of NECR Mine wastes to the UNC uranium mill tailings impoundment

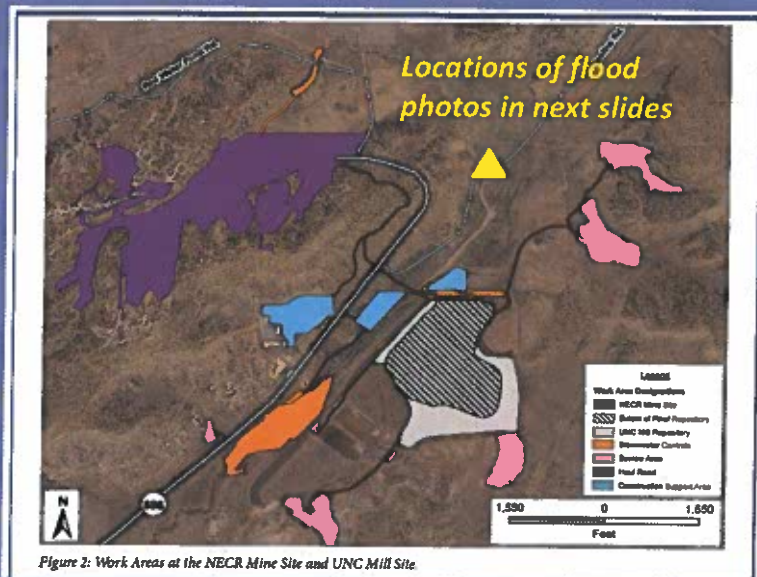


Figure 2: Work Areas at the NECR Mine Site and UNC Mill Site.

From USEPA update, January 2020.

- Mine waste repository to be built on top of tailings impoundment (hatched area)
- Existing tailings impoundment is unsuitable for permanent disposal of mine wastes *on top of* 3.5 million tons of mill tailings
- Impoundment is
 - unlined
 - first constructed in 1974-75
 - Would not meet today's standards
- Site subject to flash floods, witnessed and photographed by community members
- NECR Mine wastes should be removed to an engineered disposal facility

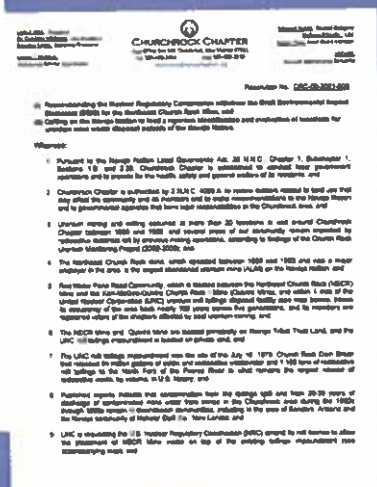
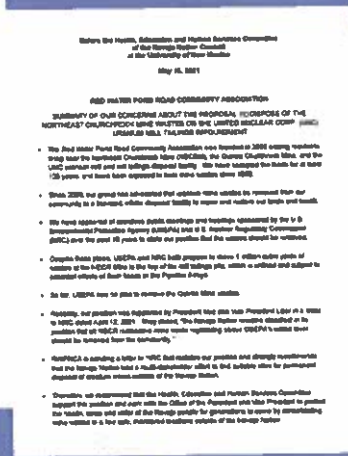
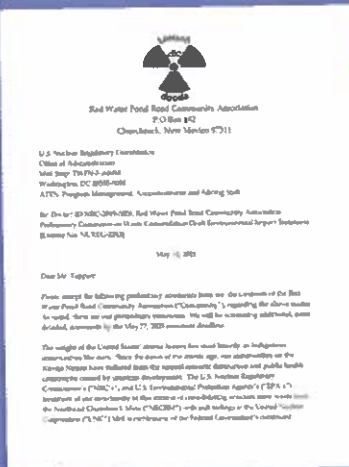
One of our major concerns is whether the mill tailings starter dam will survive flash floods like these in the Pipeline Arroyo...

Flood waters in Pipeline Arroyo at Red Water Pond Road bridge (L), downstream at the Pipeline Road crossing (R), August 2012



Photos by Terry Keyanna

Our community has been clear about what we want NRC to do:



- Withdraw the DEIS
- Work with our communities to find safe, permanent sites for the NECR Mine wastes
- Revise 10-Year Plan to identify sites for regional disposal facilities for legacy uranium wastes

RWPRCA letter to NRC, May 10, 2021

RWPRCA statement to Navajo Nation Council, May 18, 2021

Churchrock Chapter Resolution CRC-05-2021-009, May 19, 2021

Navajo Nation agrees with our position

"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..."

-- Letter from J. Nez and M. Lizer to NRC, April 12, 2021

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

April 12, 2021

John R. Tappert, Director
Division of Rulemaking, Environmental, and Financial Support Office of Nuclear Material
and Safeguards
U.S. Nuclear Regulatory Commission
Washington D.C. 20555-0001

RE: Statement on DEIS for Disposal of NECR Mine Waste at UNC Mill Site

Dear Mr. Tappert,

We address our comments regarding the Draft Environmental Impact Statement (DEIS) for the NECR mine site. The proposed license amendment would allow the uranium mine waste currently at the Northeast Church Rock (NECR) site to be transported and disposed of at one of the neighboring uranium mill sites. The Navajo Nation and the U.S. Nuclear Regulatory Commission (NRC) are currently reviewing the UNC Mill Site (UNC MS) DEIS. My comments are general in nature and will be addressing more detailed comments on the DEIS.

The UNC Mill Site is immediately adjacent to the former Navajo Ranger Station. The NECR mine site is located within the Eastern Navajo Agency and is situated between the NECR mine and the Kerr-McGee Quarries mine (adjacent to the NECR mine and the UNC Mill Site) and is within the vicinity of the NECR Mine and the UNC Mill Site) and is within the UNC MS DEIS. It is clear that no other community to the east of the UNC MS DEIS.

The Red Water Pond Road Community and many other Navajo communities are immediately adjacent to the former Navajo Ranger Station. The NECR mine site is located within the Eastern Navajo Agency and is situated between the NECR mine and the Kerr-McGee Quarries mine (adjacent to the NECR mine and the UNC Mill Site) and is within the vicinity of the NECR Mine and the UNC Mill Site) and is within the UNC MS DEIS. It is clear that no other community to the east of the UNC MS DEIS.

Clearly the radioactive mine waste left abandoned at the NECR mine site is a significant environmental concern.

Community Involvement Plan (CIP) 1, DEIS at 1414

Community Involvement Plan, supra n. 1, DEIS at 1414

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place would have "large" health and environmental impacts, such as, e.g., DEIS Table ES-1 (20-22); DEIS impacts" on nearby Navajo communities, due to transportation-related effects, impacts to air quality, increased noise levels, and visual disturbances. Id. at 22; Section 4.1.1, but those impacts will last a few years only, in contrast to the decades of harm from leaving the waste in place. The DEIS also recognizes that some nearby communities are environmental justice communities (minority and low-income populations). Id. at 21, 22 (Table ES-1). We own from the best solution possible, which is their waste and we own in to remove the waste to an appropriate repository away from the Navajo Nation.

The Navajo Nation has asked USEPA to put the repository for radioactive uranium waste currently at NECR to be transported to an off-site waste repository away from the Red Water Pond Road Community and other communities in the area. USEPA requires the removal of Principal Waste (PW), the most toxic or highly mobile waste, to an off-site facility, but the Navajo Nation also asked, and continues to ask, for off-site removal of mine waste exceeding USEPA's "action level" but not qualifying as PW. This waste remains a threat to human health and the environment, as noted in the DEIS and as discussed above.

While I appreciate it is very costly to transport such waste off-site, that cost cannot compare to the costs borne by the local communities - and indeed, the Navajo Nation as a whole - over the past 70 years. As is now recognized, the Navajo Nation and its people have suffered disproportionately from the legacy of uranium mining and processing on Navajo lands. Many Navajo uranium workers and their families became ill, and many died, from diseases associated both with the uranium work revealed that uranium and toxic metals remain in the Navajo environment and continue to be a significant concern.

It is also my obligation to support the local communities under Dine' Fundamental Law. Dine' Fundamental Law requires that we engage respectfully through one identifiable class or Navajo people. We are committed to respectful approach to those with whom we share our environment, and especially to the communities who have been directly impacted by the uranium mining activities and uranium waste that are at issue here.

The Navajo Nation therefore remains steadfast in its position that all NECR radioactive mine waste registering above USEPA's action level should be removed from the community simply transporting it to a facility away from the reservation boundary, while it is technically removing it from the Navajo Nation, in reality it is just taking it from one side of the road to the other. Since the United States has the ability to conduct uranium mining on the Navajo Nation, which resulted in approximately 30 million tons of uranium ore being extracted from Navajo lands from 1944 to 1986, it is also my obligation to support the local communities under Dine' Fundamental Law. Dine' Fundamental Law requires that we engage respectfully through one identifiable class or Navajo people. We are committed to respectful approach to those with whom we share our environment, and especially to the communities who have been directly impacted by the uranium mining activities and uranium waste that are at issue here.

May 4, 2022: NRC "pauses" completion of Final EIS for moving NECR Mine Waste to UNC Tailings Pile

"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."

UNITED STATES
NUCLEAR REGULATORY COMMISSION
Washington, DC 20542

May 4, 2022

IN RESPONSE, PLEASE REFER TO: 022022B

MEMORANDUM TO: Daniel H. Dorman, Executive Director for Operations

FROM: Brooke P. Clark, Secretary

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 remediation actions to address the impacts of uranium contamination on the Navajo Nation. The panelists also provided updates on the work and current status of the remediation actions. The panelists also provided updates on the work and current status of the remediation actions. The panelists also provided updates on the work and current status of the remediation actions.

Michael Montgomery, Region 9 Regional 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 site. 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 site. 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 site.

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.

RWPRCA recommendations to RHMC

- Open Uranium Mine Remediation Offices at NMED and MMD as soon as possible
- Consult November 2020 UNM BBER report for guidance on developing remediation industry
- NRC's pause of the FEIS process provides opportunity to bring all stakeholders, including impacted communities, to the table
- Engage communities, regulatory agencies, universities, NGOs in meetings to identify locations for disposal of U mine wastes
- Key Questions:
 - Are current methods for remediating mine wastes adequate to protect communities and restore lands and water?
 - Do communities support consolidating wastes at regional disposal facilities?
 - What are the risks of transporting mine wastes through communities?

