From: Lee Anna Martinez <lamartinez@navajo-nsn.gov>
Sent: Thursday, May 27, 2021 5:24 PM
To: UNC-ChurchRockEIS Resource
Cc: Waldron, Ashley; Lee Anna Martinez; Pineda, Christine
Subject: [External_Sender] NNEPA Superfund Comments
Attachments: NNEPASFPCoverletter.pdf; NNEPA SFP DEIS Comments 5272021.pdf; AdditionalNNEPASFPComments.pdf

Please accept our cover letter and comments.

Thank you,

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MESSAGE	298	5/27/2021 5:26:15 PM
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NNEPA SFP DEIS Comments 5272021.pdf	358610	
AdditionalNNEPASFPComments.pdf	11622986	

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THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

May 24, 2021

John R. Tappert, Director
Division of Rulemaking, Environmental & Financial Support Office of Nuclear Material Safety & Safeguards
U.S. Nuclear Regulatory Commission
Mail Stop: TWFN-7-A60M
Washington, Dc 20555-0001

RE: Docket ID NRC-2019-0026, Navajo Nation EPA, Comments on Draft Environmental Impact Statement for the Disposal of Mine Waste at the United Nuclear Corporation Mill Site, Church Rock, Navajo Nation Reservation, McKinley County, New Mexico [License No. NUREG-2243]

Dear Mr. Tappert:

Please accept our comments on behalf of the Navajo Nation, regarding the above mentioned subject matter. Our Navajo Nation EPA office has been diligently working on making an affirmative representation for the Navajo Communities impacted by this proposed major relocation of mine waste. Red Water Pond Road Community (RWPRC) is one of the many communities directly impacted by the proposed method covered in the Draft Environmental Impact Statement (DEIS). Other impacted communities include the Pinedale Community, the Church Rock Community, Standing Rock Community, and Coyote Canyon Community. According to the 2010 Census Data, these four communities have a population of 5, 303. This number is not valid being that we are 11 years after this data resource, however, the importance of acknowledging the impacts to a large number of impacted Navajo families is vital.

Upon completion of our review of the Draft Environmental Impact Study (EIS) for the proposed Disposal of Mine Waste at the United Nuclear Corporation Mill Site, we have determined that it is both incomplete and severely lacking in the areas that were addressed in the study. Essential studies to the determination of an environmental impact were not included in the development of a path forward. These studies include current, relevant geology and hydrology studies; studies of maximum probable flooding, studies and a full understanding of the damage to the riprap alone in a single flash flood; seismic studies in conjunction with the numerous proposed engineered changes to the arroyo and the current impoundment structure, and a full, current and accurate toxicology study.

The Navajo Nation and local RWPRC have been "assured" that the engineered design for the tailings disposal on top of the current Tailings Repository structure have been done by "professionals" and are "incredible", yet no engineered plans have been released for review. These plans should be readily available for 3rd party review, and the trust that funds this clean up should pay for that 3rd party review to be chosen by the NNEPA. This "excellent" design is being added to an already FAILED structure and the only assurances that are offered to the local community are that "if it fails again, we will clean it up to EPA standards". This is at best an excuse and at worst the UNC's attempt at controlling expectations for a breach that is almost assured. The previous impoundment dam failure occurred despite the "approved engineering and plans" by the NRC assuring the stability and integrity of the impoundment dam in the first place. This failure has drastically contributed to the NNEPA and Navajo communities being mistrusting of the NRC, DOE, UNC, EPA and their assurances on any environmental remediation activity.

Within the entirety of the draft EIS, there are no accurate, consistent, and long-term air monitoring applications described. Nor is there an acceptable plan for mitigation of dust or wind-blown contamination. The application of "light water sprays" is not sufficient for the control of dust – which has the potential to

contain numerous and considerable hazards given the higher criteria of radiological material permissible on the site. Additionally, this lack of a plan suggests a necessary application of water would cause runoff and the UNC does not want to deal with the requirement of a study being conducted on water table contamination. The duration, projected quantity, source and impact to the source are not identified in the DEIS. This disparity in treatment of radiological material suggests the UNC's blatant attempt to use the higher rad levels at the site as the new acceptable background, as opposed to taking responsibility for the cause of the higher levels and developing a respectable plan to restore the land and protect the safety of the people living there.

Navajo Nation EPA has been engaging all parties involved; the Federal Agencies, the Navajo Nation Government, local Tribal Leadership and most importantly the impacted Navajo communities. Through this current effort of the "DEIS Comment" period, NNEPA has identified that there is a severe communication problem that exists. The weight of the severity resonates as a simple disrespect of the Navajo Nation and the impacted Navajo Communities. NNEPA has attempted to bridge that divide with recommendations that were not achieved, but were simple steps that would have made significant impacts in conveying the process that requires review and comment of this DEIS. The intent behind our recommendations was to speak to the core of the Navajo people, the cultural identity, through the identification and inclusion of what is shared in our Dine' Fundamental Laws. "Respectful communication" was not achieved. The final open discussion commenced with something that sounded and felt like an ultimatum that was disrespectful and threatening to the impacted communities and the Navajo Nation as a whole.

The RWPRC will unquestionably receive the vast majority of adverse impact from these actions is routinely dismissed throughout the document. The few times that their health, safety and environment are considered, the disparity between what is acceptable for them to tolerate and what would be acceptable next to a Biligaa'na(Caucasian) community is glaringly large and deeply offensive. At best this illustrates the UNC's woeful ignorance toward the Navajo Nation and our fundamental laws, at worst it demonstrates a calculated attempt to neglect the problem created decades ago by the U.S. Government and asks the Navajo community to ignore this blatant disrespect.

From day one, the Navajo Nation and communities within have been voicing that they are not happy with the location selection for the proposed repository. The selection for the repository is only ¾ of mile from the Red Water Pond Community, and less than ½ mile upland from Pinedale Community. This does not fit the desire of maintaining safety for the public health in this community. Hence a quote "it is major Federal action significantly affecting the quality of the human environment." (U.S. NRC DEIS pg. xvii) This proposed repository is a significant decision and the Navajo communities within this area have been and will be affected by it adversely if the DEIS is approved. The impacts to the people within close proximity of the communities have already endured with their health and loss of lives, and this is not acknowledged or considered.

We no longer live in a time where the Federal Government can make decisions against the minority people who want to be heard. There has never been any negotiating with USEPA for selection of a different location for repository not on the Navajo Nation or within close boundaries of the Navajo Nation. More so the US Government agencies involved in this decision making, has only made encounters to fulfill that checkbox of protocols, never actually listening or notating what the Navajo Nation has expressed. A distinct lack of care is shown throughout the Draft EIS with whole sections missing, math being incorrect and even stated issues that are not fully addressed. Beyond that, the Navajo people are regarded throughout this document as casual observers, while in truth; they bear the brunt of the impact of these activities. Multiple

times within this document the conclusion is that impact is "SMALL" because the contamination already exists. The existing contamination is SIGNIFICANT and cannot be excused away as "SMALL" simply because the UNC and EPA have not addressed the issue properly. The current contaminated condition cannot be used as a measuring stick for cleanup results. As is expected with any other contaminated area, the condition of the surrounding uncontaminated area should be the measure by which this area is cleaned. Furthermore, current structural engineering can be accomplished to limit radon release to background levels. This Draft EIS dismisses that with the argument that radon is already being released at levels well above background so there is no need to correct the current impoundment structure, but rather just strive to keep it at the already elevated levels.

Our Navajo Nation EPA Superfund Program has reviewed the Draft EIS, upon our review many questions and findings with comments and questions that illuminate the halfhearted approach taken to the preparation of this Draft EIS. It is both lacking important studies and those studies that are included are well outdated. Mitigation plans are unrealistic and wholly deficient in their conception, additional correspondences reference in the DEIS were not available for review or easily available when requested from the governing agencies. The design plan, the safety plan, the ROD, the BCPP, the RCPPP, the SWPPP are only a few of many not included in the DEIS. As a third party we have not had adequate time or trouble-free access to these documents to review. We have provided comments and request with the upmost respect that they be read, responded to and considered.

During the public meeting on August 30, 2012, Ms. Higgins-Coltrain stated, "So for Step One and Step Two, there has to be an agreement amongst all parties that we want to move the mine waste from the Northeast Church Rock Site to the UNC Site for final disposal". There are only two possibilities one can take from this statement, either the Navajo are not considered a party to this action, or this statement is an outright lie that sheds light on the pattern of disregard and deceit.

The NNEPA expects this Draft EIS to be fully rejected as it does not sufficiently consider any of the environmental impacts of these actions at any point in the document. Anything less than a rejection of this document is an endorsement of a pattern of disregard and disrespect that has existed for far too long.

Respectfully,

Valinda Shirley

Valinda Shirley, Executive Director
Navajo Nation EPA

Comment Number	Section	Document Page	Paragraph	Comment			
1	Environmental Impacts c	25	4	Will there be a monitoring system for the site during heavy storm events so that sediment load and the runoff quantity data can be maintained. This may be a way to understand the transport of sediment and correlate what has previously occurred with any bore hole samples taken. The accumulation of sediments and storm events can help explain: How heterogenous the deposits of gravels, fine silts, sands, and cobbles are. How does this type of lithology affect the retainment or release of uranium in groundwater.			
2	1.NECR Mine Site	37	4	Will there be a monitoring system for the site during heavy storm events so that sediment load and the runoff quantity data can be maintained. This may be a way to understand the transport of sediment and correlate what has previously occurred with any bore hole samples taken. The accumulation of sediments and storm events can help explain: How heterogenous the deposits of gravels, fine silts, sands, and cobbles are. How does this type of lithology affect the retainment or release of uranium in groundwater.			
3	1. NECR Mine Site	37	4	Provide to NNEPA additional information on the volume of backfill into the shafts and/or vnt holes. To what depth was the backfill placed? Are there any records of this backfill activity, including three dimensional maps of the shafts?			
4	2. Navajo Nation and Re	38	3	Incert the word "Canyon" after "Coyote" in the 3rd sentence.			
5	Site History, Status, and	61	3	Extraction systems were shut down in 1999 and 2001. Has there been any monitoring data that shows rebounding of any of the contaminants in this zone? For Zone 3, what pilot studies or supplemental feasibility studies or have been proposed for Zone 3's enhanced cleanup efforts?			
6	Surface Water Resources	109	3	Provide any new updates on the Community Water System's waterline projects that serve the affected community.			
7	Surface Water Features	109	4	Include the local cross sections of the project using local geology maps and well data. Indicate the hydrologic basins of the NECR mine site, ie, San Juan Basin and the Puerco River Basin. Both basins show differential flow for shallow and deep aquifer systems. There is alot of geologic description in text describing the higher resolution or regional geology. With the well data that is available from surrounding wells, include a potentiometric map to display both shallow and deep aquifer systems and their associated flow direction and movement within the local basin setting. Describe the area of influence the UNC historically had at the NECR site during dewatering and what the area of influence currently is. Understanding that this is the EIS phase, indicate what is readily available for review and what can be prepared for in a separate water investigation of the NECR site or if this can be included in the groundwater correction action plan.			
8	Surface Water Use	112	3	If there any proposed use of wells located on Navajo Nation Trust lands, jurisdiction requires that UNC acquire a valid water use permit through the Navajo Nation Water Code department.			

9	Surface Water Quality	113	3	As part of a further water investigation to thoroughly understand surface and ground water quality, provide additional information of lithology across the drainages of the site, which include the jetty area and pipeline arroyo. This would be to understand and to correlate the geochemistry with low and higher permeability of soils. For instance are there cycles within the sediment that undergo the storage and release of contaminants that may provide a source of uranium to the shallow alluvial aquifer? What processes are occurring in higher permeable soils with large pore spaces versus low-permeable sediments. This may help in understanding uranium's dynamic geochemical behavior in the accumulation/release of uranium through the arroyo wash, as well as, through the local shallow aquifers (alluvial, Zone 1 and Zone 3).			
10	Floodplains	114	3	As part of further investigation, conduct a geophysical logging event through existing and proposed monitoring wells completed in the flood plain. Geophysical methods are to include the well construction integrity, aquifer characteristics, fluid temperature and conductivity, including the radioactivity of material surrounding the well through gamma measurements. This information can be used to understand erosion and depositional activities, as well as, aggradation of the floodplain over time. This can be correlated with any geochemistry sampling as well. The geophysical aspect of the site can help determine less resistant flow paths and direction/movement of flow and any potential influence from namely the UNC well. Since there is no well log information from the UNC well, well screen intervals and lengths are unknown and the potential interference of proposed large capacity pumping activity should be confirmed or verified as an influence/not an influence.			
11	Local Groundwater Sour	116	4	With the information provided in text, provide this in a conceptual groundwater model at the local site to capture both basin hydrologic systems that flow north and west from the deeper aquifer system, as well as, southwest via the shallow aquifer system.			
12	Groundwater Characteri	118	2	Transitions between lithology types most likely can be observed through boring logs that would provide useful information on any abrupt changes in sediment deposition that occurred primarily through episodic flvial deposition giving to what is currently ephmeral versus when the mine was active and dewatering from the WWC aquifer. During the dewatering and constant flow of water down pipeline arroyo, there was presumably sustained flow which lead to a deposition of more gradually graded sediments. For further investigation, at what depth can this interface be found to understand infiltration rates and movement of contaminants through these sediment layers. How does this affect the lateral/vertical movement of shallow groundwater sources.			
13	Groundwater Characteri	118	5	For further investigation activities, obtaining a combination of core logging and geophysical methods will provide detailed resolution of the subsurface through the southwest alluvium, zone 1, zone 3 and lenses of lithology type and their thicknesses. Abrupt changes in lithology can also be seen. Results of geophysical assessments can provide discernable groundwater movement and potential contaminant transport or contaminant concentrations with associated grain size (coarse to fine). Further, it can provide ideal well/monitoring well locations for a water investigation. Because of the decline in water elevations, what is to be said about the water quality and its movement and accumulated concentration with depth.			

14	Groundwater Characteri	118	6	Because of the decline in water elevation, describe what the water quality is doing . Is uranium being retained in the sediment? Can water samples be taken to capture a range of groundwater quality across the tailings impoundment site and through shallow aquifer zones impacted?			
15	Groundwater Quality	119	5	There is lack of groundwater quality and well construction/log information for the UNC mill well and other potential/existinglocal groundwater wells (the 200 wells listed on 120). Although the UNC mill well is not a Navajo Nation well, it is a well that can provide much needed information about potential uses or monitoring of deep aquifer sources that are within the WWC. Although it is a uraniferous aquifer, the geochemical red-ox state composition determines its overall water quality. Many wells on the Navajo Nation are drilled and screened into the WWC only and provides an excellent source of water that meets NNSDWA / NNPDWR MCL standards, including its high capacity to supply several communities. For further investigation, at what interface or area of influence is the WWC aquifer impacted negatively by the uranium mining that took place at the NECR mine site, as well as, the Quivera site? Groundwater is an important resource on the Navajo Nation and will be moreso utilized to supplement the Navajo-Gallup Water Supply project plan or even provide a source for any Church Rock or local community developments and improvements. The community and water developers have been scared into not using this water resource. Further investigation and information needed on water quality and quantity would provide the Navajo Nation and the local community an answer to the questions that they have on water. To further hold-off or avoid or set aside this subject matter will further frustrate the community members.			
16	Local Groundwater Qual	120	4-5	It indicates that over 200 monitoring wells were installed per NMED precursor for the UNC to understand groundwater contamination in the alluvium and zones 1 and 3. Are these monitoring wells still accessible for groundwater sampling? It would be interesting to prepare Stiff diagrams for each well and indicate any relative concentrations of major and minor cations and anions in the groundwater. Does this water quality data exist to prepare Stiff diagrams? This will help in understanding what wells show characteristic signs of contamination such as very high sodium and potassium, calcium, or chloride. Through, these monitoring wells, has it been determined where uranium concentrations are higher-for example-above or below the water table. Or as a result of cycling of uranium between alluvial sediments (solid phase) and groundwater (dissolved phase) through diffusion or oxic and reduced water interfaces could provide additional insight. As part of further investigation or explanation of the statement (last paragraph, 2nd sentence), how does this process change the concentrations from the acidic seepage to neutral?			
17	Proposed Action (Alterna	214	last paragraph	Wouldn't this be conjoined Upper Puerco River Basin/San Juan Basin instead of the Gallup groundwater basin?			
18	Construction Impacts	216	4	For assurance purposes and added protection, would installing a leak detection and collection system be feasible, not below the tailings impoundment but designed around the perimeter of it? Groundwater protection is a priority for local land users and assurance that there will not be cause for water to leak from the impoundment due to pore space reduction from overlying mine waste.			

19	Transferring NECR Mine	217	4	Because of the high capacity well activity of the UNC mill well and its location adjacent to the Navajo Nation, what is the extent of water rights to both UNC and the Navajo Nation if the area of influence during active consumptiive use crosses over jurisdictional boundaries?			
20	Water Resources	304	4	Response is similar to comment #16 and what water resources might be available to the Navajo Nation in regards to providing a safe and reliable source, namely the WWC aquifer in the local area. There is a lack of community water system wells in the vicinity of Church Rock where it is much needed for schools, residential, and business/industrial uses. Finding out through a water investigation to include a safe and reliable source of drinking/domestic water is a priority, as well as, assuring the water users that select locations provide a protective area of influence or source water protection area for using the WWC aquifer. Providing such as, where hydrologic divides or geochemically stable areas (non-oxidized or not potentially susceptible to being oxidized) are that may separate impacted water from safe domestic consumptive use water.			
21	Water Resources	304	5	What impacts are there from the use of the UNC mill well? What potential impacts to the WWC aquifer are foreseen by the use of the UNC mill well for proposed construction activities? There was no projected water use quantities discussed, can this be quantified to understand any impacts or changes in the water quality over time as it is being pumped. At the end of construction or use of the UNC mill well, what are the future use plans for this well source? Can this well be used as a further monitoring site?			
22	Groundwater	309	2	Similar response as comment #22. As well as, the consumptive use of the UNC mill well is projected to be 150 gpm. A 20-mile circular radius for cumulative impacts was used. However, based on the "gpm and the local geology and basin influences," how does the area of influence change using a more sophisticated delineation method? Will a more sophisticated delineation method to acquire an area of influence change the cumulative impacts to the receptors in that delineated area?			
23	Table for Mitigation Mea	356	rows 4 and 5	To prevent leakage from the tailing impoundments and in an alternative that places mine waste over the tailings, design and install a leak detection and collection system on the perimeter and/or beneath the disposal site. If feasible, install a liner beneath the tailings impoundment. Regarding Zones 1 and 3, consider installing a zeolite system to prevent the movement and transport of a contaminant plume.			
24	Table for Environmental	380	row 1	Quantify the consumptive use of the groundwater from the UNC mill well over the time of clean up activities.			

25	General			Several "further investigations" are recommended in the above water comments by considering an evaluation of water resources, water quality, geochemistry, geophysical assessment, lithological red-ox systems, and boundary delineations, including cross-sections and potentiometric mapping. These are methodologies recommended to understand the flow, movement and direction of groundwater for both shallow and deep aquifer systems, as well as, the geochemical transport of uranium and other elements of concern that are a derivative of the NECR mine site activities. While structural and seismic influences may not be evident, geophysical techniques will help in providing additional insight on preferential pathways for groundwater flow and can aid in locating potential monitoring well site locations for site sampling to understand lateral and vertical uranium concentrations and transport. Could the USGS support/conduct a study that comprehensively characterizes the hydrogeological and monitoring approach of this site to capture any vulnerabilities of a disposal system with all considerations put forth in the technical descriptions of this site, as well as, conduct pilot project(s) to restore contaminated groundwater and prevent further migration of a contaminant plume through researched methods of a capture-media.			
26	General			If the mine site is disposed of at the mill site, as proposed in this draft EIS, who then becomes liable for the mine waste?			
27	General			Navajo Nation chapters have a process of withdrawing land for projects. Were the project sites on the Navajo Nation withdrawn for the purpose of this project. The BIA has authority but Chapters have a process in place to withdraw land for certain purposed. Was this evaluated as part of an institutional control?			
28		Table ES-1	Land Use, No-Action	Some would argue that there would be a "LARGE" impact to land use if the No-Action Alternative 2 was selected. The Navajo people and communities have been informing federal and tribal agencies about how in action has destabilized their lives and the harmony in the environment. There has been a great deal of unrest for the public.			
29		Table ES-1	Noise, all columns	Rural areas are quite. The sound of trucks passing and project activities will be pretty disturbing and loud. To say that the noise will be "SMALL" across all alternatives, and to say that the noise will be undetectable or so minor that it will not be noticeable is untrue. The noise would be noticeable, and the noise should be re-evaluated to a "MODERATE" rating.			
30		Table ES-1	Socioeconomics, No-Action	The potential impact to ranchers can be "MODERATE" to "LARGE" especially when they make their living as a rancher, and their livestock are suspected of grazing in areas where there are elevated soil and water.			
31		xxi	3	What measures are currently being considered for reducing and treating migration of contaminates off site during a heavy storm event?			
32	All Alternatives			Is it possible and has NRC evaluated paving the roads to reduce the amount of water used during the course of 4 years, and to reduce the amount of dust kicked up by truck as the project is carried out.			
33	All Alternatives			After completion of the project, all backroads should be demolished. Backroads can lead to increase illegal activity such as illegal trash burning and dumping.			
34		xxii	3	The programmatic agreement is not with NNEPA but with the Navajo Nation Historic Preservation.			
35	1.1.3	I-4	1 of section	Remove "traces their history at least 100 years" certain families in all parts of the Navajo Nation can trace their heritage back several generations to a certain area.			

36	1.1.3	I-4	1 of section	Include "farming" as a Dine lifeway in addition to grazing and raising livestock.			
37	All Alternatives			Allow communities near the mine site to have a medicine man conduct ceremonies of their choosing by their medicine men before implementing any of the alternatives. This should a first step before any earthwork.			
38	1.4.1	I-7	1 of page	Providing slides in Dine does not help the non-English speaking population of Navajo communities.			
39	1.4.1	I-7	1 of page	In the future, especially for important discussions, NRC should consider having these meeting at a local chapter house. Announcements should be posted at the local chapter houses to communicate to the public the dates and times of meetings.			
40	ARARs	I-11		Were any Navajo Nation laws considered as an ARAR.			
41	1.7.1	I-11		Was Navajo Nation Department of Fish and Wildlife allowed to provide comments and recommendations like NMDGF?			
42	1.7.3.1	I-13		It is the recommendation of the Navajo EPA that NRC develop and implement an Outreach Plan to help community members understand NRC regulations, the part in which NRC has to play in the remediation process, and the presentation of this draft EIS pursuant to NRC Tribal Policy.			
43		2-3		What is the recorded range of picocuries per gram radium Ra-226 at the UNC Mill Site?			
44	All Alternatives			Comment: in the draft EIS, there is language that states that the alternatives are meant to be effective for 1,000 years; just a comment that these contaminates radionuclides will still plague the environment and still pose a threat to public health after 1,000 years.			
45		2-9	2 of page	Where will the fuel be stored? If the fuel is stored on Navajo Trust Land, the Navajo Nation Storage Tank Act would have to apply to the storage of fuel.			
46	Figure 2.2-2	2-11		Please include all residents within a 1 mile radius of the project site. The Red Water Pond Road Community is identified in this figure but all other residents within a mile radius of the project site should be included in these figures.			
47	All Alternatives			Disposal of all mining related building at the mine site should be demolished and properly disposed of at licensed facilities.			
48	4.5.1.1			Surface Water Features: The Dine people use the surface water to irrigate farms to grow corn, and other agricultural products. In Eastern Navajo agency, the BIA may have records of the type of vegetables that could be farmed in Eastern Navajo. Farming is a large part of Dine lifeways. In many AUM impacted communities, people are frightful of the contaminations and have not farmed for the past several years. Many community members have said in public meetings that once the contamination is contained and once it is safe again, that they would like to begin farming and gardening. Surface water is used to water livestock. Wildlife use surface water to drink. More so in the past, the Dine people would collected surface water for domestic use. Surface water can be used for ceremonial purposes as well. The water for example, could be used to bless a home or sacred objects, or be consumed as part of a ceremony.			

49	4.5.1.4			NNEPA is concerned about flooding of the Pipeline and can not provide additional information that maybe helpful in further determine a potential risk to the project. It is a very big concern given the events of the past. Although engineering measures are implemented, and designs have been refined since July 16, 1979, there is no guarantee that the Alternatives and the design would be flood proof.			
50	4.5.4			Groundwater Quality: NNEPA is concerned about the groundwater quality given the history of the site. The mine spill released contaminates in to the alluvium. The Church Rock mine was an underground wet mine. Then the mine was backfilled with mine waste during reclamation. The effects of all these instances on the ground water have not been fully studied or understood.			
51	4.6.2			There are many plants that are considered sacred and are used to in traditional ceremonies or consumed as part of religious practices, and some are consumed for medicinal purposes. Navajo Nation Division of Natural Resources Department of Fish and Wildlife have the Navajo Endangered Species List. See link https://www.nndfw.org/nnhp/nnhp_nesl.pdf and https://www.nndfw.org/nnhp/tracking.pdf for the list of plants. There is a larger list of plants but due to cultural confidentiality, that list is not shared with the public.			
52	4.7.1.1			Please see Navajo Nation EPA air monitoring data for additional information. There maybe no data available for Eastern Navajo but the NNEPA Air Quality Control Program would have the lasted information on baseline characterization of meteorological data. See https://www.navajoepa.org/main/index.php?option=com_content&view=article&id=3&Itemid=170 or contact Environmental Dept. Manager, Ms. Eugenia Quintana at eugeniaquintana@navajo-nsn.gov tel: (928) 871-7800			
53	4.8			Rural areas are quite. The sound of trucks passing and project activities will most likely be loud to local residents. The noise will be detectable and noticeable. Most likely, this project will disturb residents within a three mile radius. Again, rural areas are quite. Noises such as a vehicle passing by 1.5 miles away can be heard. The other concern is grazing. Herding sheep in a noisy area can be difficult. Sheep and other livestock are sensitive to noise and can become unpredictable due to their sensitively to the sound and movements.			
54	4.8.2			Although NNEPA do not have ordinances or regulations that govern noise, the Navajo Nation OSHA have regulations in place for noise at worksites.			
55	4.1			Additional information regarding the Navajo Nation's cultural and religious connection is outline in Dine Fundamental Law. Please see link http://www.navajocourts.org/dine.htm#:~:text=%C2%A7%204.-,Diyin%20Dine'%C3%A9%20Bits%C4%85%C4%85d%C4%99%C4%99%20Beenahaz'%C3%A1anii%2D%2DDin%C3%A9%20Customary%20Law,%C2%A7%20204)&text=be%20protected%3B%20and-,E.,environment%2C%20free%20from%20all%20abuse. and can be found in Navajo Nation Code 1 N.N.C. §§ 201-206.			
56	4.12.1.4			There is currently discussion with NNEPA and federal partners on a 10 yr. plan. The Navajo Nation EPA Superfund Contaminated Structures program works with US EPA to address contaminated homes.			

57	5.8			Rural areas are quite. The sound of trucks passing and project activities will most likely be loud to local residents. The noise will be detectable and noticeable. Most likely, this project will disturb residents within a three mile radius. Again, rural areas are quite. Noises such as a vehicle passing by 1.5 miles away can be heard. The other concern is grazing. Herding sheep in a noisy area can be difficult. Sheep and other livestock are sensitive to noise and can become unpredictable due to their sensitively to the sound and movements.			
58	5.1			See Dine Fundamental Law			
59	6.5			One major concern is the stress of the underlying aquifer when water is needed at this project site as well as other mine site remediation activities happening all within a 15 mile radius within the next several years. There is even concern from the public of not having enough water after these projects use up the water. There is also the potential for contaminates to travel when the pumping of water creates a void.			
60	Table 6.32			In coordination with NNEPA, NRC staff can follow through on ceremonies for the community.			
61	7.4			At this time, NNEPA does not have any additional mitigation measures other than the complete removal or all mine waste and tailings off the Navajo Nation and a way from the Navajo Nation permanently.			
Fig 2-3	2	Pg. 2-3	Figure	Why does the ideal location for disposal have to be next to an arroyo? Waste material near a waterway, just does not seem environmental sound of healthy for the publics health.			
8	2	Pg.2-8	2	Pipeline arroyo soils/ embankments cannot withstand erosion and will naturally meander to the proposed disposal site. The arroyo will not meander to the roadway it will go to the mine disposal. Even driving by the roadway there you can see the wind erosion that is within the Pipeline arroyo and its eroding now.			
2	2	pg.2-9	1	Since 1996?? Has there been any stuides on the UNC Mill Site??			
13	2	"	1	Soil cover attentuation in this paragraph. -What are the current readings or evals of this?			
18-30	2	pg. 2-9	2	The 2nd paragraph.-Placing this material over all this will it impact the current methodologies being met to control the Radon?			
17	2	pg. 2-11	3	What are the statistics on that type of fencing or science that supports its effective? - Why not when a truck load is filled with PTW transport it to its final destination. - Weekends have it put away appropriately or hauled off.			
11	2	pg.2-12	2	Where is the draft map of this proposed Haul roadway? After complete what will they do with the roadway created?			
7	2	pg.2-13	1	Removing the existing layer and leaving open to atmosphere is consdered safe? Where is the supporitng science/data for this?			
32	2	pg.2-16	4	Will work proceed when days of wind are high? How will UNC control and contain?			
17	2	g.2-17	2	as composted cow or green manure or biosolids. Going to have a lingering odor? If so is the community aware. Has it been tested against ET cover?			
29	2	pg. 2-17	3	Reclamation of roadway removal of all meterial wil be transported where? Manifest should be required.			
23	2	pg. 2-19	2	why is a Diagram of proposed Radon Protection Plan not presented within this context of the DEIS??			
11	2	pg.2-20	2	safety of workers. Why don't they park somewhere offsite, and have a shuttle that can be checked/clean daily.			
29	2	pg.2-20	3	Would BIA also be apart of this consulations; in regards to Haul Roads on NN			

40	2	pg. 2-20	3	Was the existing mill site already in compliance with NRC Federal Codes with reclamation on upkeep there existing?			
41	2	pg.2-23	4	EPA evaluated based only it seems;not overall protection Navajo humans& the environment			
28	2	pg.2-24	2	Other sites that have impacts where is their waste disposed? That are non-minority lands.			
12	3	pg.3-1	2	approximately 4 years? There is definetly a likely hood this will be longer, the community should know.			
12	3	pg.3-4	1	IF 55% is NN Land, 20% NN Trust why can't NN have a final say if the waste can go thereonly 14%private, 12% BLM			
35	3	"	5	Prior to 60 acres, what now is enclosed? How many acres?			
Fig.3.5-2	3	pg. 3-24		Where is the demonstration or map of the 50year or 100 year flood plain???			
15	3	pg. 3-25	2	not only the NM State Permit? What about Navajo DWR?			
22	3	"	2	Livestock is still a prmary user of this surface water. Therefore the ppl will also be affected should they consume. Some medicinal plants as well that grow there, Navajo(Dine) people use the plants for various uses, medicinal or for craft, depending on what may grow near.			
34	3	"	4	Waste water add treatment to discharge. Will this happen at the UNC repository?			
17	3	pg. 3-27	3	why has FEMA not explore that area?			
21-24	3	"	3	written context needs to be included in figure 3.5-2			
26	3	pg. 3-27	4	NN has jursidction of WOTUS; Navajo is soverign you need to check with WQ about this.			
20	3	PG. 3-19	2	public health? Why is that not included in the DEIS? We all are aware for years that RWPR health has been jeopordized by the impact left there by GE.			
26	3	PG. 3-19	5	NNEPA WQ is reserving their sovereignty to continue to protect ephemeral waters which are considered major tributarys to waterways, this Pipeline Arroyo would definetly fit in that category. It is also proposed with the new Biden/Harris adminstration that the 2015 ruling could go back into affect.			
30	3	Pg. 3-27	6	Wetland is defined by 3 elements by USACOE:1) inudates or saturation 2) wetland species(plant, animal) hydrophic species; existing in waterway 3) watermark			
11	3	pg. 3-35	1	Where are the monitoring data reported in this document? A chart? It has been since 1988, that's 33 years of data.			
30	3	"	3	2.21.2 A graph illustrating the groundwater changes should be included of the 6 approaches. Not just featuring the 2 approaches.			
3.7.11	3	pg. 3-44		Meteorology; How is the inconsistent weather being taken into approach for the future clean up? That is not included in this section 3.7			
23	3	Pg.3-42	3	Where is NNFW categorical exclusion documents in this DEIS; documentation from NNFW			
26	3	Pg. 3-43	2	was NNFW Protected Species of Concerned considered, seems as NMFW and NFW are the only government agencies referrenced throughout, once NNFW is referenced in line 25			
15	3	pg. 3-44	3	Wind??? Why is that not refernced or included with this content of meteorology; we are going to have transport of potentially hazardous material load and moved, why was the wind not considered in this data? What time of the year would be ideal to hanlde this hazardous waste.			

20-38	4	pg. 4-1	2	Time frame indicates 4 year time frame may extend beyond for some resource areas to allow consideration of potential long-term impacts. I think this needs to be highlighted to the community. They are under the impression this will happen in 4 years and the be done.			
40	4	pg.4-1	3	on going surface and grounwater reclamation would continue- why wont this continue throughout the duration, if the hazardous waste goes to the mill? What is the current status of the groundwater and surface water at this UNC Mill Site? This should be notated what the current position is on this, and possibly a graph of what the previous years looks like prior.			
44	4	pg.4-1	3	"the material would temporarily remain at the NECR" - with the many discussions that have occurred while I have been on board for a short time, I am sure many more inquiries of this have come about, of the common question, what will happen to the NECR waste should the community disagree with having placed across the street. In my short time apart of this project, not once has this been the answer given. It has always been it will stay there! it wont be moved, nothing will happen and it will be another 10-20 years til there is another resolution to move it. Temporarily has never been emphasized in the solution.			
11	4	pg.4-1	1	"leaving the waste for another estimated 10 years" - why is it estimated for 10 years? Why is there not a lesser time frame in years to address this removal if for years the commuity, the Navajo Nation government, NN President, other agencies, other committees have requested this to not be moved to UNC Mill site? For years it has been voiced to have the hazardous waste to be removed completely away from Navajo Nation.			
41	4	pg. 4-2	6	"UNC has already completed several evaluations & received multiple approvals." when were these evaluations reviewed, who approved, what year and where is notated. Where are these approvals of EPA CERCLA actions? Was it shared with all stakeholders involved?			
27-29	4	pg. 4-3	4	RCPP and SPCCP; where is this plan located to review?			
6	4	pg. 4-4	1	EPA addresses the integrity, etc etc. - where is the science of this integrity design, will this withstand the 1000 years that it will withstand? What type of evaluation method was used?			
13	4	"	2	RWPRC; one paragraph?? After all these years of discussions/meeting, etc. this is all that's included for the RWPR. NRC captured more, where is it?			
15-16	4	pg.4-5	2	implement an EPA approved RCPP - again where is this discussed, what year was it approved. If EPA appoved it is contradicting what the previous pages indicated that NRC has approved RCPP and SPCCP, is it EPA approved or NRC approved?			
24	4	pg. 4-5	4	Section 4.2.1.2 address the that EPA has an RCPP for any spills on the haul road. What about the PTW that is to be transported off NN and not to the UNC Mill Site, where is the actions or write up for the transferring NECR PTW Mine Waste to Disposal Site and RCPP for that??			
18	4	pg. 4-6	3	"custodial agency" why is this not selected yet? Seems that everythign else has been thought out, this should be selected as well before the NRC approves the license. Who will it be and why is it not annoucned in the DEIS			
13	4	pg. 4-7	1	"custodial agency" why is this not selected yet? Seems that everythign else has been thought out, this should be selected as well before the NRC approves the license. Who will it be and why is it not annoucned in the DEIS			
4	4	pg.4-12	1	wind and water erosion- how will the maintenace or upkeep of this future waste pile be conducted and by whom?			

6	4	"	1	until stablizing vegetation is established- how? What type of seed mix will be implemented, who will implement the growth of this vegetation, as is the quivira mine has hardly any vegetation and much erosion to exposed soil surface. A magic seed? Has the resiliency been tested?			
45	4	"	5	implement an EPA approved RCPP. Once again mentioned but where can review this. It's a big concept that NNEPA needs to review, should anything happen its imperative that NNEPA is aware of how the mitigiation techniques will be applied.			
12	4	pg. 4-13	1	Stormwater controls include the East Rpository Channel- where are the design plans for these stormwater controls? Where is the East Channel Repostiory ? First I have heard this term in the DEIS			
17-18	4	"	3	Uranium mine lands and topsoil in the N and S Borrow Areas have poor reclamatin rating. - what does that mean? Poor reclamation rating? If it's a poor rating why use it for top soil cover? Where is the soil analysis of this N and S borrow areas to be used for the remediation efforts.			
41	4	"	4	(i) application of water or other dust suppresant - what would be the other alterantive dust suppresant? Where would they transport the water from and has DWR approved?			
6	4	pg.4-14	1	spilled mine waste - very minimal description of how a small spill would be responded to, is there actual process in place of how to this would be carried out and what form would be filled out to report, should a spill exist?			
42	4	" "	6	Seeding mix that emaulates the native growth community to max resilience - has this been tested to verify that the resiliency will exist, when you look at vegetation at other areas that EPA or NRC has completed in the past, its not very effective, dry and very little sucession with vegetative growth, more soil erosion present.			
6	4	pg. 4-15	1	NRC proposed impacts to be SMALL-it should be MODERATE, this is going to continously changed and the impact will not be SMALL it will be MODERATE; it will have continous upkeep and monitoring			
22-29	4	pg. 4-18	1	Possible that a heavy storm, the BMPs implement wihitn Pipeline Arroyo could be overwhelmed. - in this case what are the mitigation measures that will be in place to help prevent this? Many time it has crossed my mind that this is another Gold King Mine spill ready to happen. Why place this waste next to arroyo which can potentially breach?? What has NM or EPA approved or advised.			
38	4	pg. 4-18	3	100 year flood plain encroaches the proposed disposal site - why was not this a highlight in Chapter 3. the 100 year nor the 50 year flood plain is included in the image that is referenced in Chapter 3. This is vital info! Once again a GOLD KING MINE scenario.			
43	4	pg.4-18	3	affect downstream drainage or flooding patterns- what is the possible repucussions, should this happen? Has NNEPA looked at what BMPs? Will BMPs be place to help prevent this to happen downstream should it happen. Will they be implementing any BMPs at these potential points where it may occur. If so where is the details, plans and language for these BMPs???			
13	4	pg. 4-19	1	Impacts to surface waters would be SMALL; no it would be MODERATE. In the Southwest our water is vital and this is no minimal impact. It's a potential hazard to other areas and possibly the mine waste to be come a threat in future; not just during the construction but throughout the years of the license (1000 years).			

15	4	pg.4-20	2	Th floodplains, hydrology calucations for the proposed project area after the completion of the proposed action reveal that both the estiamated 100 year flooplain and the estimaged PMF (Probable Maximum Flood) floodplain extents would overtop Piepline Arroyo at the location adjacent to the proposed disposal site, and encroach the west and north edge of the existing tailing impoundments. -Theoretically, there is still a major possibility this could not be adjacent and be directly to the UNC mill, if the west and north will be impacted.			
24-32	4	pg.4-20	3	100-year flood plain studies by FEMA, INTERA and Canonie Environmental all have the outcome that the 100-flood will impact the UNC Mill Site.			
35	4	pg.4-20	4	the licensee would be required to visually monitor and report to NRC their observations- how often will this be, will it be a local NRC agent? Whats the current responsibility of the UNC mill licensee? In terms of reporting their observations/inspections of the mill site now, how many months or times a year do they inspect the mill site?			
8	4	pg.4-21	1	NRC staff concludes that the potential environmental impacts to the surface waters from the closure phase is MODERATE. - I don't think it should be considered MODERATE; possibly LARGE in consideration that this 1000 year license and realistically a 10, 50-100 year flood WILL happen.			
5-8	4	pg. 4-21	1	Upon the completion of reclamation, UNC license would be terminated, and the UNC Mill Site would transfer to a custodial agency(e.g. the DOE or State of NM) for long term surveillance and maintenance. - The entire DEIS is so contradictory, some areas indicate NRC will make observations, etc. and many pages indicate it will be turned over to another party after remediation is complete. Why isn't USEPA and NRC held accountable for the upkeep and inspections of the future repository?			
23	4	pg.4-23	3	Endangerment to the public health or welfare or the environment as descried in the EPA ROD would continue, resulting in temporarily MODERATE impacts to surface water from the potiential of contaminated run off - if this is notated with the ROD and DEIS; how is the endangerment to the public health any different across the road??			
45	4	pg. 4-23	4	UNC is currently diverting groundwater fro industrial uses from a well G12, UNC plans to use water diverted from this well for decon, sanitary services and dust control purposes- why use well water? Why not utilize non potable water from an outsource?			
13-15	4	pg. 4-24	4	Ground water could be affected if stormwater comes into contact with construction equipment, sturctures, stockpiles, tailing impoundment construction area, and other disturbed areas and is then allowed to flow into recharge areas- why is there no BMPS in place listed in this area to prevent this type of mistake			
32	4	pg.4-24	4	only for the duration of the 3.5 year construction phase- how certain are they there is enough water for 3.5 years for the construction, decon , safe and sanitary(SS) and what have you.			
16	4	pg. 4-25	4	could reduce the potential future groundwater impact. -"COULD" key word, this could reduce, not it will or the science behind the engineering will prevent. Currently there is seepage with the existing cover, was the enigeering at that time also termed "could"?			

1	xviii	Executive Summary	Purpose and Need for the Proposed Action: "The proposed action would also facilitate an EPA CERCLA action to protect human health and the environment from actual or threatened releases of residual mining materials from the NECR Mine Site, as documented in a 2013 EPA Record of Decision (ROD) (EPA, 2013) and referenced in UNC's ER (INTERA, 2018)."	If this is true, to protect human health and the environment, why is the waste being moved across the roadway, and will still have an impact on the community? Is this not contradictory?			
2	xix	Executive Summary	Environmental Impacts of the Proposed Action and Alternatives: "…..The NRC staff also concludes that there are disproportionately high and adverse environmental impacts (but not human health impacts) to 32 minority and low-income populations that would likely result from the action alternatives."	How was not human health impacts determined? Where is the science/data?			
3	xxiii	Executive Summary	Environmental Impacts of the Proposed Action and Alternatives: "The NRC staff recognizes that, while the NRC staff has attempted to accurately capture and describe the perspectives of the Navajo Nation in this EIS, members of the Navajo Nation may hold views that differ from the conclusions presented in this EIS."	So, how was this addressed? Or, ignored altogether. During 2005, the Navajo Nation EPA requested USEPA to assume jurisdiction and act as the lead agency. Why then is the USEPA not addressing all the concerns, perspectives, comments, requests, etc., of the Navajo Nation as the main stake holder?			
4	xxiii	Executive Summary	Environmental Impacts of the Proposed Action and Alternatives: "The NRC staff also recognizes that there may be intangible impacts felt by the Navajo Nation and the Red Water Pond Road Community that may not be fully captured in this EIS."	How is this to be addressed? By simply ignoring it, which is currently being conveyed by NRC and USEPA. How about from a Navajo perspective as a living being that is a part of the environment? What will be the psychological, mental, emotional, spiritual and sociocultural impacts?			
5	xxiv	Executive Summary	"This recommendation is based on (i) the license application request, which includes the ER and supplemental documents and the licensee's responses to the NRC staff's requests for additional information; (ii) consultation with Federal, State, Tribal, and local agencies and input from other stakeholders; and (iii) independent NRC staff review as set forth in this EIS."	Untrue statement. Current conversations by the Navajo Nation is being ignored, not taken seriously or not given due attention.			
6	1.1.2	1-4	"The EPA made its endangerment determination considering the high levels of radioactivity in soils at the site, the potential for migration to residential areas and absorption into the food chain, natural conditions that may exacerbate migration, and the unavailability of other mechanisms to mitigate the harm. In 2013, the EPA selected and approved a CERCLA remedial action (EPA, 2013) to implement the removal action and dispose the NECR mine waste on top of the tailings impoundment at the UNC Mill Site, contingent upon modification of the license issued by the NRC for the UNC Mill Site."	Why than is the waste being moved across the road, and not away from the community if there are high levels of radioactivity? The waste will still be in the immediate vicinity of the community, and nothing is resolved. Reminds one of a Native American adage about Daylight Savings time. It is like cutting 2 inches off the top of a blanket, sewing it to the bottom, and think you have a longer blanket.			
7		1-2		Why did NNEPA not raise issues about prior decommissioning and reclamation activities?			

8		1-5	"During the scoping period for this EIS (described in EIS Section 1.4.1), the NRC received several comments from members of the community that expressed concerns about the legacy of uranium mining and the importance of Navajo cultural values (NRC, 2019b). Some people referred to the native plants, animals, and water resources that are no longer present because of disturbance to the land. One person stated that sacred sites have been uncovered. Others expressed interest in restoring the land and reestablishing cultural values tied to the land. Some suggested specific actions or practices to mitigate further impacts to Navajo culture, including holding culturally important or sacred ceremonies (e.g., blessings by medicine men) prior to land disturbance. Local residents have called on the EPA to include in its CERCLA remedy the relocation of nearby residents to a location acceptable to the residents to ensure that their culture is not lost. In 2008, the Navajo Nation Department of Justice provided comments on the EPA analysis of alternatives for implementing the removal action at the NECR Mine Site that emphasized the legacy of uranium mining on Navajo lands and the disproportionate share of the cost that has been borne by the Navajo Nation and the Navajo people (EPA, 2009). These comments described the agrarian nature of the Navajo people and the cultural and spiritual value to the Navajo that comes from living on land that is free from harmful levels of radioactive contaminants."	Were these actions ever taken into consideration by USEPA during their process of addressing the solution for the site? What was the solutions? Was the sacred site ever addressed? If so, how and what was the outcome. We would be incarcerated if we were to disturb the White House in any shape, form or matter. This is the same situation here. Social Injustice.			
9		1-8	Section 1.4.1, Public Participation Activities	did NNEPA make comments? What was the extent of NNEPA involvement? Why did NNEPA address current issues during the Public Scoping Meetings?			
10		Page 4	U.S.NRC, Overview Draft Environmental Impact Statement for Disposal of Mine Waste at the United Nuclear Corporation Mill Site in McKinley County, New Mexico, October 2020, P4, "Waste from the NECR Mine Site contains varying levels of radioactivity. The EPA has established criteria, including specified levels of radioactivity, for segregating the excavated waste to ensure that waste with higher radioactivity levels is not transferred to the UNC Mill Site. Specifically, all NECR mine waste that exceeds 200 picocuries per gram of radium-226 and/or 500 milligrams per kilogram of uranium would be designated principal threat waste (PTW) and would not be disposed at the UNC Mill Site. UNC is not expected to finalize arrangements for the disposal of PTW at an EPA-approved facility until after the NRC completes its review of the current UNC license amendment request. PTW waste disposal is not proposed in the license amendment application and is not included in the NRC's review of the UNC Mill Site license amendment request."	How, when and who will determine what waste material exceeds the limits indicated, and will have to be disposed of at an approved USEPA facility? Why is this not being addressed currently until after the review of the license amendment request? Why is this not a part of the review process? This suggests, how much of the 1,000,000 cu.yds proposed to be moved is PTW? If there is not an accurate figure of the waste to be moved to the mill site, is the design and all removal processes invalid. Is all the removal actions to date and what is to be invalid, and one big lie?			

11		The logo of the same booklet, U.S.NRC, United States Nuclear Regulatory Commission,	"Protecting People and the Environment."	The NRC is showing through their actions they are not living up to their logo of Protecting People. Racial Injustice!			
1	Executive Summary	xviii		This is a pet peeve of mine. It is a technicality but could be taken advantage of by some future unscrupulous attorney arguing that they were never made to render the waste safe but to merely dispose it. Something more is needed here. ...dispose and cover? dispose and render safe... They use the two terms throughout the document; sometimes using dispose the wast (place and arrange the waste) and sometimes calling the action disposal (dispose of the waste). transitive verb 1: to give a tendency to : INCLINE faulty diet disposes one to sickness 2a: to put in place : set in readiness : ARRANGE disposing troops for withdrawal (1):TO DEAL WITH CONCLUSIVELY disposed OF the matter efficiently			
2		Tbl ES-1		What do they mean that a" no action alternative" would have a large impact" until the land is returned to the Navajo Nation"?			
3	Introduction	Pg. 1-6	Lines 3 and 5	Here again. they are saying that they will transport and arrange the waste. Or do they mean transport, arrange, and dispose of the waste? I presume disposing of the waste entails more than just spreading it out to be flat or whatever. Words have meanings.			
4	Introduction	Pg. 1-6	Line 11	Does the existing license allow disposal at the UNC Mill Site?? This is important because if it does not, they will get permission for permanent disposal via this license modification.			
5	Proposed Action and Alt	Pg. 2-4	LIne 8	Nice to know that Principal Threat Waste will not be disposed at the the UNC mill site. They are not even going to move it over there (dispose it) for removal later?			
6	Proposed Action and Alt	pg. 2-5	Line 14	Dispositioning? really?? That's not even a word. Makes me think even more that they want to get a PERMANENT disposal permit out of this license modification.			
7	Proposed Action and Alt	pg. 2-6	Line 4	So what ARE their intentions for the PTW?			
8	Proposed Action and Alt	pg.2-7	Beginning line 34	UNC proposes to install permanent stormwater controls for the proposed disposal site using existing swales and channels constructed on the tailings impoundment, with improvements and supplemental controls where necessary Are these improvements and supplemental controls descrived in deatil of construction materials anywhere?			
9	DESCRIPTION OF THE AF	pg.3-11	Figure 3.4-3	I would love to see an arrow pointing to the location of both the mine site and the mill site on these cross sections.			
10	2.2.1.8	pg.2-20	Lines 34 and 35	Just noting that "The NRC's proposed action to amend UNC's Mill Site license to allow the mine wastes to be disposed on a portion of the Mill Site does not include closure and reclamation of the entire Mill Site."			

11	2.3.1	pg. 2-23	Line 18	Why wasn't complete removal considered as an alternative? Can we still have removal? They say the waste will remain where it is for 10 more years while they look for a place to take it. Can we call this disposing and disposal of the mine waste at the mill site an interm disposal activity and require them to look for and find another permanent repository?			
12		Pg. 2-23		So what is our goal? What are the options? The disposal site is in a flood plain. With climate change, flood events will occur more often and be more intense. Is allowing the waste to be staged or disposed of in this flood plain just setting the stage for another disaster like the "incident" (page 3.78, line 20) in 1979?			
13		pg.2-23	lIne 30	We must insist on a liner and NOT a clay liner either. Liner only appears twice within the text; once in this paragraph "Construction of an above-ground, capped, and lined repository on the NECR Mine Site" and another time in section 3.12.2.2, page 3.79, line 16 referring to the old liners in the evaporation ponds in the south of the site.			
14	3.12.2.3	pg. 3-79	Paragraph beginning line 34	What data is used to prove only a in 1 million chance of the development of exposure related cancer?			
15	3.12.3	pg.3-82	Line 18	Is groundwater considered a receptor? It should be!			
16	3.12.5.2	pg.3-84	Lines 21 and 22	Briefly mentioning that Navajo Nation has comparatively high rates of kidney, liver, stomach and gallbladder cancers (Navajo Cancer Workgroup, 2018) Did the Workgroup identify where the cancers were clustered? If so, why is that information omitted here?			
17	4.501	pg.4-17	Line 16	They admit that potential impacts to surface waters and wetlands may be greater in areas containing floodplains, such as the Pipeline Arroyo.			
18		pg.4-18	line 37	EIS discuss all kinds of mitigation plans to avoid flood damage. They discussed the 100 year flood lines which are arbatrary since they have modified the channel of the water feature in Pipeline Arroyo. What about a 500 year flood event? Maximum precipitation events will become more frequent as a response to climate change. A flood plain is NOT the place to dispose or dispose of radioactive waste. They are going to construct a jetty to mitigate flooding based on the FEMA folld lines. Jetties are effective right up until they fail. Which they enevitably do. FEMA's flood plain maps are not to be relied upon either.			
12	General			All NRC literature and communications with Dine' people should be provided in the Navajo (Dine') Language, written and oral. Condensed, reduced forms of communications/documents/meets in Dine' language are not acceptable means of communication. NRC has a need for a highly trained and fluent Dine speaker for translation, also for translation of science terminology. For instance; Overcoming Language Barriers Use plain language. ... Find a reliable translation service. ... Enlist interpreters. ... Provide classes for your employees. ... Use visual methods of communication. ... Use repetition. ... Be respectful.			
13	General			Consider providing NRC literature in an audio version to meet needs for ADA, if needed. How do people request if needed?			

14	General			Providing the community/communities with all information in the Dine' language is key. Obtaining a fluent Dine' speaking translator with the ability to translate the DEIS and the scientific terminology is imperative, this should be included in all steps. Not having the APPROPRIATE translator for any science-based discussions is a huge disservice to the community. A majority of the community speaks Dine' as their primary/first language.			
15	General			If the NECR mine site waste is disposed of at the NCR mill site, as proposed in this draft EIS, who becomes liable for the mine waste thereafter?			
16	Table ES-1	XX	Land Use, No-Action	The column of NO Action Alternative 2, often states Large or Moderate with the added following statements, 1) "until Navajo Trust Land is returned to the Navajo Nation" 2) "Pending removal of NECR mine waste." These two statements need to be removed and discussed in their appropriate section(s) within the DEIS.			
17	Table ES-1	XX	Noise, all columns	Navajo rural areas are typically undisturbed by loud noise, typically these areas are very quiet. The noise of passing trucks and the associated project activity hours throughout each day will be very noticeable, it could be described as disturbing and loud. To state noise will be undetectable or minor, is an untrue conjecture. The noise would be noticeable, and the noise should be re-evaluated to a "MODERATE to LARGE" rating, considering the current noise level in the area.			
18	Table ES-1	XX	Socioeconomics, No-Action	Potential impact to Navajo ranchers can be "MODERATE" to "LARGE" in the socio-economic section of this table. Navajo lifeways including the raising of livestock. Navajo ranchers who raise livestock rely on livestock for sustenance and income. Animals do not read signs or obey fence lines, livestock will graze where they see food. Animals are suspected of grazing in areas where there are elevated soil and water.			
19	All Alternatives			Has NRC evaluated the paving of the roads? Paving of the road to significantly reduce the amount of water used during the 4 years of work. This region is in a drought in both potable and non-potable waters. Paving roads will also reduce the amount of dust produced by the trucks during the project. The paving of the roads should be evaluated.			
20	All Alternatives			After completion of the project, all backroads should be demolished. Backroads can lead to increase illegal activity such as illegal trash burning and dumping.			
21	All Alternatives		General	There is language In the draft EIS that states the alternatives are meant to be effective for 1,000 years. Comment: The radionuclide contaminates will still plague the environment and still pose a threat to the public and the health of the people at RWPR after 1,000 years.			
22	All Alternatives			Properly demolish and dispose of all mining-related buildings at the mine.			
23	1.6.2	I-11	3	Were Navajo Nation laws considered as an ARAR?			
24	1.7.1	I-11		Was the Navajo Nation Department of Fish and Wildlife allowed to provide comments and recommendations?			
25	1.7.3.1	I-13	In consultation with the NRC, NNEPA recommended that NRC develop and implement and outreach plan to help community members understand NRC regulations and explain the role the NRC plays in the remediation process, and that the EIS be presented in a manner that is consistent with NRC Tribal Policy.	How many meetings took place with RWPC to ensure this outreach plan? Was there are goal number of meetings to achieve? Since the Red Water Pond Road community continues to have many questions regarding the DEIS, has NRC achieved this outreach plan effectively?			

26	4.5			Surface Water: The Dine' people use surface water to irrigate farms, agricultural farms, to grow such foods as corn. The BIA may have Surface Water: The Dine' people use surface water to irrigate farms, agricultural farms, to grow such foods as corn. The BIA may have records of the type of vegetables that could be farmed in Eastern Navajo Agency, farming is a large part of Dine lifeways across the Navajo Nation. In many AUM impacted communities, people are very concerned about the AUM contaminations and will not be farmed. Surface water is also used to water livestock and other wildlife use surface water to drink. Surface water can be used for ceremonial purposes, for example, surface water could be used to bless a home or sacred objects, or be consumed as part of a ceremony.			
27	Figure 4.5-1			The figure should show residences within a mile radius from the delineation of the flood plain.			
28	4.5.4	4-23, 4.-24	Ground Water Impacts	Groundwater quality concerns, with the history of the mill site, i.e. the historical mine spill released contaminates that have entered alluvium. It is also noted the Church Rock mine was an underground mine and the mine was eventually backfilled with the mine waste during reclamation. There are currently no groundwater studies to acknowledge these findings.			
29	4.8		Noise Impacts	Navajo Rural areas are typically undisturbed by any extreme loud noise, such as those described in this section. These noises will be very noticeable and could possibly even be loud enough to be heard in a greater radius. Other concerns are livestock, extremely loud and uncommon noise can stress livestock.			
30	4.8.2	4-46, 4.-47		ARARs? Contact the Navajo Nation OSHA on the regulations in place for noise at worksites.			
31	4.1	4.4	2	Additional information regarding the Navajo Nation's cultural and religious connection is outline in Dine Fundamental Law. Please see link http://www.navajocourts.org/dine.htm#:~:text=%C2%A7%204.-,Diyin%20Dine'%C3%A9%20Bits%C4%85%C4%85d%C4%99%C4%99%20Beenahaz'%C3%A1anii%2D%2DDin%C3%A9%20Customary%20Law,%C2%A7%20204)&text=be%20protected%3B%20and-,E.,environment%2C%20free%20from%20all%20abuse. and can be found in Navajo Nation Code 1 N.N.C. §§ 201-206.			
32	5.8	5.37		Navajo Rural areas are typically undisturbed by any extreme loud noise, such as those described in this section. These noises will be very noticeable and could possibly even be loud enough to be heard in a greater radius. Other concerns are livestock, extremely loud and uncommon noise can stress livestock.			
34	Table 6.32			In coordination with NNEPA, NRC staff can follow through on ceremonies for the community.			
35	7	7-1	The Radiation Protection Plan addresses radiation safety training, organization and responsibilities; occupational and public health physics monitoring for internal and external exposure assessment; and administrative and engineering exposure control measures and protection. In particular, the Radiation Protection Plan describes worker and public protections that address the potential exposure pathways applicable to the proposed action as described in EIS Section 3.13.2.	Will this include training for the public in the area of the mine site? The RSO should include the community in any training on the exposure pathways. Giving the community this information is vital. Also, residents should be given TDL monitors for the duration of remediation.			
36	7.2	7-3	Two NECR Mine Site downwind air monitoring stations would be placed to account for occasional shifts in the wind direction throughout the day (one near each residence downwind of the NECR Mine Site, which are located generally northeast of the excavation areas)	Quality air monitoring equipment should be set up at all NECR homes with residents and monitored at the same frequency as workers. Air monitoring should continue after remediation when relocated residents return to homesites.			

37	7.4	7-5	Following the first growing season after seeding, each reclaimed unit would be subjected to a one-time evaluation by a qualified revegetation specialist to document plant establishment as well as record any other pertinent reclamation considerations.	Quality air monitoring equipment should be set up at all NECR homes with residents and monitored at the same frequency as workers. Air monitoring should continue after remediation when relocated residents return to homesites.			
38	7.4	7-4		Additional monitoring, request additional air monitoring and monitoring devices at each residence. Monitoring is conducted at each residence/home that is not relocated during the removal time frame. Residents could also be assigned TDL badges to wear while they are at home in the area during the removal time frame. Air monitoring should also continue after remediation when relocated residents return to homesites.			
No	**Figure**	**Comments**					
1	1.1-1	Surrounding Chapters are not all labeled. AUMs in Ambrosia Lake shown that is not even close to the project area.					
		Not all AUMs shown on map such as Northeast Church Rock NO. 2 & Church Rock & Foutz AUMs					
		Delete Gallup Solar, Coal Mine, Humate Mine in the legend					
2	2.2-1	In the legend, no green label for the Southwest Alluvium Remedial Action Target Area, Zone 1 Remedial Action Target Area					
		Zone 3 Remedial Action Target Area. These green areas were once called Plume, why the name change?					
		Map layout, map not centered					
3	2.2-2	The pipeline residents structure are missing from the map.					
4	2.2-3	No comment					
5	3.2-1	The buffer circle is not center to the project area. SW part of circle wider than the NE part of the buffer circle.					
		Only shows a few resident in the upper NE pipeline residents, when there are more					
6	3.2-2	Land ownership is confusing. In the legend, Navajo Nation (On Reservation) and Navajo Nation Trust are really the same.					
		The map is hard to read. The colors are hard to read. The transparency is too light					
7	3.2-3	No changed but make map to 8.5x11 size					
8	3.3-1	So basically the Proposed Disposal Site will sit on top of Central & North Cells. The haul road is the same color					
		as the Proposed Disposal Site (orange) making hard to see. Needs a color change					
		Who is the Proposed Traffic Signs for, if for the public driving around for curiosity or Pipeline Road residents?					
9	3.4-1	No comment					
10	3.4-2	No comment					
11	3.4-3	No comment					
12	3.4-4	No comment					
13	3.4-5	Cross hatching line is too busy. Change					
14	3.4-6	In the legend, Poor label is green and Fair is blue. Colors should be changed. Again cross hatching is too busy					
15	3.4-7	This map shown at the Colorado Plateau level, what about showing it at the Navajo Nation zoomed out level.					
		Seeing the data in central Utah and NW Arizona isn't that pertaining to the project site area					
16	3.4-8	No comment					
17	3.5-1	The water depth maintains to only .5ft? Where is the data for the Mill Site Well and United Nuclear Well?					
18	3.5-2	The map doesn't include a floodplain for the Pipeline Arroyo- other than FEMA Zone A Floodplain.					
		In 1979 the Pipleline Arroyo was flooded from the break. Cross hatching is too busy					
19	3.5-3	No Well data are presented in any of the maps. Numbers on Groundwater elevation to small to read and the monitoring wells too					
		So what zone is this map, due to the other two maps are identified but not this one.					
20	3.5-4	Label numbers on contours too small to read. Pumping Wells are same blue color to see easily. This map is Zone 3 but no Zone 2?					
		There are no proposed sentinel wells in any of these maps.					
		According to this map, it's hard to identify the lower elevation areas than the higher elevation areas.					
		The Township and Section boundary areas aren't really noticeably, maybe darkened the numbers					
21	3.5-5	Zone 3 and Zone 1 overlap, is this correct? Where is Zone 2?					
22	3.6-1	The Reclaimed area is what? What type tree or vegetation was replaced? Spell out INTERA in one of the maps					
23	3.6-2	No comment, a photo					
24	3.7-1	Why 4 Corners area, no data at the project site level. Why included San Juan county data?					
25	3.9-1	What the point of any Cultural and Archaeological investigations when it was disturbed & mine. It should've been done pre-1974					
26	3.11-1	No sure the purpose of this map. So the viewability is mostly High?					

27	3.11-2	No sure that the poplulation numbers are correct. Crystal Chapter population is mostly in San Juan County no McKinley County. Zuni? Why?					
28	3.11-3	No comment					
29	3.11-4	In the legend, Indian or Alaskan Native & Hispanic and Indian or Alaskan Native symbols are confusing					
30	3.11-5	Population really should only show Navajos in or around the project area. Gallup are is not that close.					
31	3.11-6	The chart is irrevelant regarding Low Income. Why break up the Low Income into three categories. What is the Block Group suppose to show?					
32	3.11-7	The chart is irrevelant					
33	3.12-1	No comment					
34	4.5-1	Another Floodplain map, still not showa 50 year 100 year 500 year floodplain map. Cross hatching too busy					
35	4.8-1	Most of the noise will be on the Pipeline Road resident since RWPRC will be temporary moved out of the area					
36	4.8-2	Same map as previous one, what is the difference?					
37	5.1-1	Exclude Gallup Solar, Coal Mine, Humate Mine, Red Dog Mine, Navajo-Gallup Pumping Station, Active Oil/Gas Well & Potental Oil/Gas					
		Well, Ambrosia Lake Uranium District. What is the purpose of the Reasonably Foreseeable Future Actions these areas have to be mentioned.					
38	5.1-2	Not sure what the Crownpoint Uranium Project has to do with NECR.					
				General Comments for most all of the maps			
				Majority of the maps will need to be enlarged to 8.5x11 size in order to read the small texts & numbers to understand the information			
				Some of the maps presentation are irrelevant and the two chart Figures too			
				Navajo people are visual learner so maps are important type of information. Some of the map have too much information or unneccessary information			
				In some of the maps, it might be better to use a topo base map rather than aerial			
				The maps with the cross hatching are hard to read or makes the map busy, maybe use a thicker line or color instead			
				There are some symbologies that are not necessary to include i.e Gallup solar			
				Missing. Maps that should be included for this project:			
				Map showing the elevation of the area			
				A profile map of the project area			
				A 3D map of the area would give the reader a better understanding of the topography of the project landscape			
				A map showing wind direction, while earthmoving dirt, the wind will most likely carry the wind towards Pipleline Community area.			
				A map potential forest fire and areas of potential danger in case of a forest fire			
				A map showing some results of the well data in the project zone. Looks like USEPA has been collecting data on the wells			
				A map of annual rain fall or snow level in order to understand the level of moisture the project area receives.			
				The DEIS presented one alternative which is to haul mine waste to the nearby Superfund site to rebury the waste.			

				DEIS says " federal agencies do not want the Red Water Pond Road families to be at their homes during the four year construction. Questions: Where will residents of Red Water Pond Road go? The Pipeline Canyon Road community were completely overlooked. These families will be exposed to contaminated dirt, to construction noise and disruption from the traffic. Dine' Fundamental Law informs that Navajo people are deeply connected to lands where they grew up so residents of Red Water Pond Road will not have a place to go. This is the only place where they belong. During three Time Critical Removal Actions in 2005/2006 residents of Red Water Pond Road had to stay in Gallup hotels in Gallup three times. Residents were traumatized from these events.			
				There was no groundwater study. The region surrounding NECR mine is hydraulically connected including the underground mine workings.			
				3. "*The EPA has the responsibility of overseeing the NECR Mine Site remediation and will determine the appropriate rules, regulations and mitigation measure to ensure groundwater quality is protected from any negative environmental impacts resulting from reclamation activities"*.			
				This is a false statement because USEPA has not investigated the groundwater despite Navajo Nation EPA's concerns which have been stated many times.			
				During the 05/13/21 Uranium Commission meeting, there was mention of a groundwater study. This is the first time I heard of this. I believe this study is important for Elisa.			
				There have been water studies which included windmills and some have uranium that exceeded the mcl and some windmills were decommissioned.			
				There are two or three sludge ponds on the south side of the NECR. This is where the high contamination numbers are. Right now when it rains, the water percolates into the surroundings and the coutour of the land allows for any rain water to run northward into the No Name arroyo.			
				Beneath the NECR mine and the Red Water Pond Road are networks of underground mine workings - there was no groundwater study – this should be analyzed with the report of a groundwater study. Water is a precious resource along with air quality and the land resources. In the Time Critical Removals of 2005/2006, the No Name Arroyo which comes off the NECR mine site, was the most contaminated water way.			
				• Even after remediation, the waste rock and dumps and the three open pits (located south of the mine site) will act as a long - term source of contamination, having potential detrimental effects on surface and groundwater quality.			
				• Water is one of the major radionuclide transport agents, radiological monitoring in the neighborhood of the mining areas should be given special attention.			
				Air monitoring for external radiation, radon and its progeny, as well as dust content, should be done.			

				1. This DEIS process played out during a Pandemic and this hurt federal requirements for public comments and participation. NRC failed in its responsibilities because it was insensitive to the needs of the Navajo community and uninformed on the socioeconomic and conditions. Public participation is critical and NRC they did not realize how important public participation was with a tribal group who required the use of their language to learn about the DEIS.			
				• NRC use of webinars was the wrong tool because Navajo people lack computers and broadband to participate in webinars.			
				• NRC employing a translator did not work because the translator did not organize the information in such a way that it would be better understood. Translation of the DEIS would require two or three days if the information is to be properly conveyed so the Navajo people can understand. The purpose of the DEIS and the technical information cannot be explained in a KTNN broadcast.			
				The majority of Navajo people are visual learners and since most speak Navajo, they cannot understand English. As visual learners Navajo can learn through pictures, drawings, graphs, maps figures, etc. The DEIS could not be understood well despite the Navajo translation. Translation included a lot of technical information and listening to the translation was very cumbersome because it was impossible to listen and digest the information in the amount of time that the presentation was done. It was too much information that was technical in a short amount of time and I believe everyone would have been overwhelmed.			
				The Navajo translation was not organized well – so it was hard to understand or to assign topics which were being conveyed.			
				Environmental Justice – the fair treatment of and the meaningful involvement of all people including people of color, people from diverse national origins, people whether they are rich or poor with respect to the development, implementation and enforcement of environmental laws, regulations and policies. The western New Mexico region is an area that bears the brunt of environmental degradation of land, water and air resources. This area comprise of Navajo people and their being of Native American culture with minimal education and below or near the poverty threshold. This population of should not continue to be subject to unsafe environment nor unsafe water resources. It makes sense that hauling all uranium mine waste away from Navajo Nation lands will get rid of risk from the mines. Navajo peoples lives are just as worthy as the lives of all U. S. citizens. Navajo lands are considered to be our “Mother Earth” and it should be pristine for our health and for the children who will be born generations from now.			

This letter is in response to the Environmental Impact Statement for the Disposal of Mine Waste at the United Nuclear Corporation Mill Site in McKinley County, New Mexico prepared by the United States Nuclear Regulatory Commission (USNRC) Office of Nuclear Material Safety and Safeguards published October 2020.

The comments provided within this document echo the questions, concerns, and frustrations of the Navajo Nation Environmental Protection Agency (NNEPA) regarding the plan for disposal of mine waste presented within the Draft EIS.

A. Things Do Not Add Up- Overlooked And Ignored Issues

To implement the proposed action, a total of 346,000 m3 [453,000 yd3 28] of soil material would be required to fill existing cover swales, for cover layers, and for grading around the proposed disposal site (Stantec, 2019a). A total of 287,000 m3 [375,000 yd3] of soil material is estimated to be available in the borrow areas: 54,000 m3 [71,000 yd3] in the North Borrow Area; 122,000 m3 [160,000 yd3] in the South Borrow Area, 42,000 m3 [55,000 yd3] in the East Borrow Area; and 68,000 m3 [89,000 yd3] in the West Borrow Area (INTERA, 2018; Stantec, 2019a) (EIS section 3.12.2.3).

1. The total m^3 of soil material required from each of the four borrow sites is 286,000 m^3, which is not consistent with the 287,000 m^3 that is listed in the EIS selection shown above. Was this a mathematical error?
2. If so, then where else in the EIS will we find errors?
3. The selection above clearly states that a total of 346,000 m^3 of soil material will be required to satisfy the proposed plan however, only 286,000 m^3 of soil material has been identified to fulfill this purpose- where is the remainder going to come from?

Based on (i) the information provided in the EPA's approach to remove NECR mine waste described in UNC's LAR and the 95% Design Report (MWH, 2018), (ii) the satisfactory completion of the detailed EPA (CERCLA) and NRC (licensing) reviews as documented in the EPA ROD (EPA, 2013) and the NRC SER, respectively, (iii) the continued oversight by EPA and NRC established during the construction phase (monitoring for radionuclides in airborne particulates), and (iv) the information and the analysis of human health and environmental impacts presented throughout this EIS, the NRC staff does not expect adverse health effects to any population, including minority and low-income populations, from the construction phase (EIS section 4.12.1.1).

4. Isn't the above conclusion by NRC based on everything going right?
5. What happens when something goes wrong?
6. How have the NRC mitigation measures from Table 6.3-2 been addressed?
7. Table 6.3-2 says a plan will be put in place as an answer to most of the mitigation measures- why aren't those mitigation measures part of the EIS?

The NRC staff determines that the potential impacts from the proposed action and two secondary alternatives would be SMALL for resource areas with the exception of impacts on transportation, surface water, vegetation, air quality for non-greenhouse gases, noise, historic and cultural, and visual and scenic resources. The NRC staff also concludes that there are disproportionately high and adverse environmental impacts (but not human health impacts) to minority and low-income populations that would likely result from the action alternatives. Navajo Nation communities are closer than any other community to the proposed project area and

would be disproportionately affected due to the transportation-related effects, impacts to air quality, increased noise levels, and visual disturbances as discussed in EIS Section 4.12.

8. The EIS states there are disproportionate effects on the Navajo population—is the UNC really fixing any of those effects by moving the material a mere couple miles?
9. Why is the Navajo population referred to in this EIS as "minority and low-income" populations? How is the population's ethnic status or income level relevant to the effects of the proposed alternative?
10. If these remarks aren't intended to be offensive, then what was the intent behind them?

B. The History Of The UNC Mill And Its Uranium Tailings Impoundments Is Important To The Engineering Requirements For A Successful Project

On July 16, 1979, an incident occurred at the UNC Mill Site when the tailings impoundment dam failed and released approximately 350 million liters (L) [93 million gallons (gal)] of tailings into the Pipeline Arroyo and Puerco River drainages and into the underlying alluvium (EIS Executive Summary xvii).

11. When were the UNC Mill site impoundments originally built, to what specifications, and what was done to repair the dam breach?
12. Were the Tailings Impoundment operable prior to the New Mexico License?
13. Considering the high capacity well activity of the UNC mill well and its location adjacent to the Navajo Nation, what is the extent of water rights to both UNC and the Navajo Nation if the area of influence during active consumptive use crosses over jurisdictional boundaries? (DOJ question)
14. Has the NRC taken the time to determine if the NECR impoundments meet modern engineering standards?
15. Was the existing mill site already in compliance with NRC Federal Codes and where are the records on this compliance?
16. One of these "1000-year" impoundments has already failed and cannot be expected to exceed maximum usage without modern standards being applied. Where are the engineering reports proving that this was done?
17. Where are the design plans for liners, soil compaction, types of soil used, dike designs and construction details, water management, etc.?
18. How has the health of the impoundments been monitored over the years?
19. Has global warming had a negative effect on the projected length of tailings containment?
20. Where is the draft map of this proposed Haul roadway? After completing, what will they do with the roadway created?

C. Are The Radiological Studies That The NRC Is Basing Its Project On A Result Of Accurate And Modern Technologies?

21. Are there any radiological surveys that have been done more recently than the last decade?
22. Provide to NNEPA additional information on the volume of backfill into the shafts and/or vent holes. To what depth was the backfill placed? Are there any records of this backfill activity, including three dimensional maps of the shafts?

23. Were modern technologies and standards for acceptable criteria used in the radiological surveys that the EIS is basing its project planning and mitigating measures on?
24. If there have been surveys done using the most current and accurate methods, then will the NRC turn over the reports to the NNEPA for review by their own choice of experts to be funded by the Trust money?
25. The estimate of PTW is concerning. First, is the outdated estimate done more than a decade ago. Handheld detector mapping is the least accurate form of mapping available. A considerably more accurate percentage of PTW should be understood. Secondly, the hazards related to a stockpile of this level of radiation are not fully understood or delineated in a study. How can accurate mitigation methodology be applied when the information necessary is not fully understood?
26. How can stockpiling be suggested when a study of the dangers of such a pile has not been done?

D. What Assurance Is There That The Impoundment Cover Meets Current Engineering Requirements?

The final tailings area radon attenuation soil cover was designed to provide reasonable assurance that control of radiological hazards would be effective for 1,000 years and that releases of Radon (Rn)-222 to the atmosphere would not exceed an average release rate of 20 pCi/square meters (m2 15)/second (s), to the extent practicable, throughout the design life of the cover. The cover design also included a 0.15-m [0.5-ft] soil/rock matrix layer to protect against water and wind erosion (i.e., erosion protection layer) (EIS section 2.2.1.2).

Evapotranspiration cover (ET cover). To meet applicable EPA requirements under CERCLA, the proposed ET cover was designed to limit the release of radon to the atmosphere to the same level as the existing tailings impoundment (i.e., so as not to exceed an average radon release rate of 20 pCi/m2/s). (see pg. 3-79). The average exposure rate across all the locations was approximately 21 µR/hr. For comparison, the aforementioned New Mexico average annual background dose rate from natural sources is 2.65 mSv [265 mrem] or approximately 30 µR/hr. The average radon flux in 1996 was measured at 5.7 pCi/m2 per second, compared to the applicable NRC 10 CFR Part 40, Appendix A, limit of 20 pCi/m2 per second (NRC 1998) (EIS page 2-13).

The existing clay radon barrier in the tailings impoundment would serve as the foundation for the proposed disposal site. This radon barrier would be modified in place by compacting the material to ensure it continues to meet NRC technical criteria in 10 CFR Part 40, Appendix A, for controlling radon flux from the mill tailings (EIS page 2-13).

27. Was the initial construction of the tailings area compliant with the siting criteria of mill tailings impoundments?
28. If so, what was the cause of the impoundment dam breach in 1979?
29. What is the reason for not using current scientific understanding and engineering technologies to design an ET cover that can better limit the release of radon?
30. Have there been mill tailing dikes safety evaluations done? Please provide those documents for review.
31. How was the dike area of failure repaired and documented? Please provide those documents for review.

32. For assurance purposes and added protection, installing a leak detection and collection system would be feasible. Not to be placed below the tailings impoundment but designed around the perimeter of it. Has the UNC considered installing a leak detection system around the impoundment? Why is this not in the Draft EIS? Groundwater protection is a priority and this Draft EIS does not in any way reflect that priority.
33. The scope of altering the Pipeline Arroyo is mentioned several times throughout the EIS but how will the Pipeline Arroyo be stabilized?
34. Waste volumes could vary widely and could result in significant final configuration changes- is there any confidence in the waste volume and how the design and risks could be impacted- especially if volume increases significantly?
35. If the previous structure is not capable of meeting modern radon standards, then shouldn't that structure undergo improvements before any addition is even considered?
36. There is no information on an understanding of the soil cover attenuation within this Draft EIS. As this information is important to a proposed path forward, how can the UNC present a Draft EIS that does not include it? How does the UNC propose to remedy this?
37. Why should the NNEPA agree to the alternative suggested if it means residents will endure years of harmful activities to move the contamination a mere mile away and with no assurance of a safer environment and clean drinking water? Why must the nearby RWPRC residents live with the current tailings impoundment release forever?
38. What assurances are given that "re-compaction" can achieve the radon limiting objectives and how is this evaluated? Please provide this documentation for review.
39. Can the proposed construction soil meet the RCRA Subtitle D criteria?
40. Whoever will be the "custodial agency" should be decided upon prior to a Draft EIS being released. How does the UNC propose to remedy this?

E. If The Geology And Hydrology Studies In The EIS Are Current, Then Why Is The Contamination Plume Traveling From Zones 1-3 Left Out Of The Draft EIS?

41. The NNEPA has knowledge of a contamination plume in zones 1-3 from the UNC Mill site that has been documented as traveling in a NE trajectory-why haven't the monitoring wells required to survey the plume been put in to determine the cause and extent of this plume?
42. A current geology and hydrology study would have made mention of such a plume and the potential effects of such a project on the behavior of the plume- are we to assume that this was a simple oversight or that the NRC doesn't find it relevant to the EIS?
43. Obtaining a combination of core logging and geophysical methods will provide detailed resolution of the subsurface through the southwest alluvium, zone 1, zone 3 and lenses of lithology type and their thicknesses. Why has this not been done prior to the Draft EIS? Abrupt changes in lithology can also be seen. Results of geophysical assessments can provide discernable groundwater movement and potential contaminant transport or contaminant concentrations with associated grain size (coarse to fine). Further, it can provide ideal well/monitoring well locations for a water investigation. Because of the decline in water elevations, what is to be said about the water quality and its movement and accumulated concentration with depth? How can the UNC expect to move forward on an EIS that does not include the proper hydrology studies that would answer questions like these?
44. Include the local cross sections of the project using local geology maps and well data. Indicate the hydrologic basins of the NECR mine site, i.e., San Juan Basin and the Puerco River Basin.

Both basins show differential flow for shallow and deep aquifer systems. There is a lot of geologic description in text describing the higher resolution or regional geology. With the well data that is available from surrounding wells, include a potentiometric map to display both shallow and deep aquifer systems and their associated flow direction and movement within the local basin setting. Describe the area of influence the UNC historically had at the NECR site during dewatering and what the area of influence currently is. What is readily available for review and what can be prepared for in a separate water investigation of the NECR site or if this can be included in the groundwater correction action plan?

45. Because of the decline in water elevation, describe what the water quality is doing? Is uranium being retained in the sediment? Can water samples be taken to capture a range of groundwater quality across the tailings impoundment site and through shallow aquifer zones impacted? How can the UNC expect to move forward on an EIS that does not include the proper hydrology studies that would answer questions like these?
46. The NNEPA cannot fully review the Draft EIS without first reviewing copies of the well logs, well reports, records, including water quality information/data, on the UNC well. When will these be provided to the NNEPA?
47. Without current and relevant ground water studies, how can the NRC conclude that the alternative described in the EIS is both safe for the neighboring wildlife and communities?
48. There is lack of groundwater quality and well construction/log information for the UNC mill well and other potential/existing local groundwater wells (the 200 wells listed on 120). Although the UNC mill well is not a Navajo Nation well, it is a well that can provide much needed information about potential uses or monitoring of deep aquifer sources that are within the WWC. Why is this information not available for review prior to the Draft EIS? Although it is a uriniferous aquifer, the geochemical red-ox state composition determines its overall water quality. Many wells on the Navajo Nation are drilled and screened into the WWC only and provides an excellent source of water that meets NNSDWA / NNPDWR MCL standards, including its high capacity to supply several communities. At what interface or area of influence is the WWC aquifer impacted negatively by the uranium mining that took place at the NECR mine site, as well as the Quivera site? As an accurate EIS cannot be completed without a study on this information, how does UNC propose to move forward? Groundwater is an important resource on the Navajo Nation and will be more so utilized to supplement the Navajo-Gallup Water Supply project plan or even provide a source for any Church Rock or local community developments and improvements. It seems to the NNEPA that the community and water developers have been scared into not using this water resource. Current and accurate information is needed on water quality and quantity to provide the Navajo Nation and the local community with answers to the questions they have on water. This Draft EIS should not move forward without a full accounting of this information. How can the UNC expect to move forward on an EIS that does not include the proper hydrology studies that would answer questions like these?
49. The Draft EIS indicates that over 200 monitoring wells were installed per NMED precursor for the UNC to understand groundwater contamination in the alluvium and zones 1 and 3. Are these monitoring wells still accessible for groundwater sampling? Stiff diagrams for each well would indicate any relative concentrations of major and minor cations and anions in the groundwater. Does this water quality data exist to prepare Stiff diagrams? This will help in understanding what wells show characteristic signs of contamination such as very high sodium and potassium, calcium, or chloride. Through these monitoring wells, has it been determined where uranium concentrations are higher-for example-above or below the water table? A study on cycling uranium between alluvial sediments (solid phase) and groundwater (dissolved phase)

- through diffusion or oxic - and reduced water interfaces should be provided. How does this process change the concentrations from the acidic seepage to neutral?

50. What measures are currently being considered for reducing and treating migration of contaminates off site during a heavy storm event?
51. What impacts are there from the use of the UNC mill well? What potential impacts to the WWC aquifer are foreseen using the UNC mill well for proposed construction activities? There were not any projected water use quantities discussed in the Draft EIS. Can this be quantified to understand any impacts or changes in the water quality over time as it is being pumped? At the end of construction or use of the UNC mill well, what are the future use plans for this well source? Can this well be used as a further monitoring site?
52. The consumptive use of the UNC mill well is projected to be 150 gpm. A 20-mile radius for cumulative impacts was used. However, based on the "gpm and the local geology and basin influences," how does the area of influence change using a more sophisticated delineation method? Will a more sophisticated delineation method to acquire an area of influence change the cumulative impacts to the receptors in that delineated area?
53. A monitoring system for the site during heavy storm events MUST be in place so that sediment load and the runoff data can be maintained and monitored. There is no plan for this within the EIS. How can the Draft EIS be considered complete without this plan?
54. Are there new updates on the Community Water System's waterline projects that serve the affected community?
55. What is the current status of the groundwater and surface water at this UNC Mill Site? Please provide these documents for review.
56. One major concern is the stress of the underlying aquifer when water is needed at this project site as well as other mine site remediation activities happening all within a 15-mile radius over the next several years. There is also concern from the public of not having enough water after these projects use up the water. Furthermore, the potential for contaminates to travel when the pumping of water creates a void is an even larger and more significant concern. The Draft EIS has no reference to studies or even a basic understanding of the effects this remediation will cause to any of these concerns. How does the UNC propose to move forward without a hydrology study to give them a basic understanding of these problems?

F. Is There A Seismic Evaluation More Current Than 1997?

The NRC staff compared results of the licensee's site-specific seismic hazard analyses with previous seismic hazard analyses conducted at the UNC Mill Site by Lawrence Livermore National Laboratory (LLNL) (NRC, 1997) (EIS section 3.4.4, 3-17).

The licensee speculated that the PGA reported by LLNL may be for soft rock {the time-averaged shear-wave velocity to 30 m [98 ft] depth of 760 m/s [2,493 ft/s]} and not the existing subsurface alluvium used in its site-specific hazard analysis (Stantec, 2019a,f), and the values are conservative compared to the 30 LLNL value (EIS section 3.4.4, 3-19).

57. Is the NRC using studies from 1997 as a basis for an EIS seismic risk evaluation?
58. Why did the licensee "speculate" any part of this evaluation?
59. Why wouldn't a seismic expert be required to do a current evaluation of the potential earthquake activity near the project site?
60. Did the 1997 study consider climate change and its effects on water tables and fault lines? If so, then please provide this documentation for review.

G. Why Is Air Monitoring And Preventative Procedures For Dust Control And Wind-Blown Contamination Not A Priority In The EIS?

The NRC staff also concludes that there are disproportionately high and adverse environmental impacts (but not human health impacts) to minority and low-income populations from past, present, and foreseeably future actions (EIS Executive Summary xxiii).

61. How can the NRC conclude there are no human health impacts?
62. Dust will be a major issue for the RWPRC during this project, where is the clear and methodical plan for how this will be addressed?
63. The EIS states that dust/air quality would be monitored for non-radiological contaminants but why not radiological contaminants?
64. It is easy to state that the human health risk is small if you are not monitoring for radiological contaminants in the air.

During windy conditions, mine waste dust would be controlled with light water sprays; however, large volumes of water that may result in runoff would not be used (EIS section 4.4.1.2).

65. Will work proceed when days of wind are high? How will UNC control and contain it?
66. Does the UNC actually believe that "light water sprays" will be sufficient to address the prolonged dust clouds created by wind and the multitude of trucks and heavy equipment?
67. Should we take the UNC's word that light water sprays will keep the nearby communities safe?
68. If light water sprays are not enough to control the dust and large volumes of water may result in runoff and cannot be used, then what is plan B? Is the intent to make the RWPRC endure dust contamination for 5 years until the remedial action is finished?
69. Why has an evaluation of paving the roads to reduce the amount of water used during the course of 4 years, and to reduce the amount of dust kicked up by truck as the project is carried out, not been provided as a supplement to the Draft EIS?

H. How Is Applying The Clean Air Act To Define Acceptable Ground Contamination Levels Acceptable?

The EPA established a risk-based soil field screening level (FSL) of 2.24 pCi/g for Ra-226 to define areas within the NECR Mine Site that represent sources of radioactive material that require remedial action. This screening level corresponds to a cancer risk of 2 × 10−4 for a residential scenario (EPA, 2011b). To protect human health, EPA has set the acceptable risk range for carcinogens at Superfund Sites from 1 in 10,000 to 1 in 1,000,000 (expressed as 1 × 10−4 to 1 × 10−6). A risk of 1 in 1,000,000 (1 × 10−6) means that one person out of one million people could be expected to develop cancer as a result of a lifetime exposure to the site contaminants. Although the established EPA Ra-226 screening level for the NECR Mine Site is slightly higher than this range, EPA notes in the remedial action ROD (EPA, 2013a) that under a Clean Air Act rulemaking establishing National Emission Standards for Hazardous Air Pollutants (NESHAP) for NRC licensees, U.S. Department of Energy facilities, and many other kinds of sites, EPA determined that radon emissions of 20 pCi/m2s results in a maximum individual risk of 1.8 × 10−4 and concluded that a risk level of 1.8 × 10−4 is essentially equivalent to the presumptively safe level of 1 × 10−4 (54 FR 51673) (EIS section 3.12.2).

70. Essentially, the EPA is changing the action level and justifying it with the Clean Air Act. Isn't this an improper use of this Act? If not, why not?
71. Terms such as "essentially equivalent" and "presumptively safe level" should not be used in an EIS and does not instill confidence in the proposed project-is this language acceptable on all NRC/EPA closure/remediation projects?

*After residual contamination is removed, the area would be rechecked with a gamma radiation survey to verify that the area is at or **near** background radiation levels (EIS section 4.4.1.2).*

72. What does "near" mean?
73. Why can't background be at or below the action limit?
74. The same section states: If there is a concern regarding the cleanup levels achieved, soil samples would be taken from the contaminated area and a nearby uncontaminated area to establish background levels (Stantec, 2018b)- when can we expect this to happen?

I. Where Is The Clear Plan For Amending The Soil To Allow Revegetation?

While a small percent of soils at the proposed project area are not accounted for in the ER, according to NRCS data, the topsoil source ratings for soils at the proposed project area are approximately 6 percent good, 2 percent fair, and 13 percent poor (INTERA, 2018). Approximately 4 percent of the soils have no topsoil rating because they are composed of bedrock, and the remaining percentages of the proposed project area are mapped as uranium mined lands with no soils information.

The soils at the proposed project area with reclamation material ratings shown in EIS Figure 3.4-6 are approximately 0.5 percent fair and 28.5 percent poor, while the remaining 71 percent of soils at the UNC Mill Site and NECR Mine Site are mapped as uranium-mined lands (EIS section 3.4.3, page 3-17).

75. The EIS makes it clear that there is very little topsoil available that is suitable for revegetation; is there going to be enough suitable topsoil for the proposed project?
76. If not, where will the supplemental soil be harvested from and will care be taken to make sure it is suitable to support native vegetation?
77. As stated in the EIS, the poor soil rating is indicating that to establish vegetation would be costly/difficult; if these efforts fail, how with that be addressed?
78. Uranium mine lands and topsoil in the N and S Borrow Areas have poor reclamation ratings. What does that mean? If it is a poor rating, why use it for topsoil cover? Where is the soil analysis of this N and S borrow areas to be used for the remediation efforts?
79. It is clear that a full understanding of restabilizing vegetation has not been reached. Where are the studies that can provide this information? With the consistent erosion to exposed soil surfaces, some level of rehabilitation will need to occur before plants can be established. Where are the studies that inform this problem?

J. What Are The Flood And Ground Water Risks And How Will The Pipeline Arroyo Alterations Address Them?

Prior to 1967, Pipeline Arroyo was an ephemeral stream... Pipeline Arroyo has become an ephemeral stream again, flowing primarily in response to precipitation events (EIS section 3.5.1.1).

80. How was the baseline design storm (100 year) established considering the Pipeline Arroyo hasn't been ephemeral since 1967?
81. Have there been possible watershed properties and if so, have these been considered since the baseline design storm was established?
82. Why does the ideal location for disposal have to be next to an arroyo?
83. Pipeline arroyo soils/embankments cannot withstand erosion and will naturally meander to the proposed disposal site. The arroyo will not meander to the roadway it will go to the mine disposal. Even driving by the roadway there you can see the wind erosion that is within the Pipeline arroyo and it's eroding now. A full geological study on erosion tendency must be conducted for accurate plans to be made. How can the UNC propose a plan without properly identifying this information?
84. The accumulation of sediments and storm events can help explain: How heterogenous the deposits of gravels, fine silts, sands, and cobbles are. How does this type of lithology affect the retainment or release of uranium in groundwater? Transitions between lithology types most likely can be observed through boring logs that would provide useful information on any abrupt changes in sediment deposition that occurred primarily through episodic fluvial deposition giving to what is currently ephemeral versus when the mine was active and dewatering from the WWC aquifer. During the dewatering and constant flow of water down Pipeline Arroyo, there was presumably sustained flow which can lead to a deposition of more gradually graded sediments. For further investigation, at what depth can this interface be found to understand infiltration rates and movement of contaminants through these sediment layers. How does this affect the lateral/vertical movement of shallow groundwater sources?
85. Groundwater Quality: NNEPA is concerned about the groundwater quality given the history of the site. The mine spill released contaminates into the alluvium. The Church Rock mine was an underground wet mine. Then the mine was backfilled with mine waste during reclamation. The effects of all these instances on the ground water have not been fully studied or understood. This Draft EIS should not move forward until the long-term effects of the actions are studied and understood. How does the UNC propose to move a Draft Environmental Impact Study forward without this critical information? ...Water is life.
86. Are the effects of climate change a factor in these designs?
87. Why are there not graphs illustrating the ground water changes created by all 6 approaches, rather than just two?
88. Stormwater controls include the East Repository Channel - where are the design plans for these stormwater controls?

In addition to changes in flow, Pipeline Arroyo has also laterally migrated from its pre-1954 flow path to the present flow path (INTERA, 2019). This migration is caused by scouring (the forcible erosion of soil or rock by the flow of water) and sediment transport within the Pipeline Arroyo channel. Based on images since the 1950s, scour may continue to deepen and widen the arroyo (Stantec, 2019a; INTERA, 2019) (EIS Section 3.5.1.1).

89. Is there going to be significant risk to the tailings impoundment?
90. How have past attempts to divert the flow path away from the tailings impoundment performed?
91. How have the engineering plans for the Pipeline Arroyo been altered to ensure the riprap added along the bottom will slow down water movement as intended, and not be washed away with inevitable flooding?

92. What makes future attempts to divert water more effective and assured of success for 1,000 years?
93. When speaking of potential future groundwater impact, "could" is not an acceptable term. Where are the studies and projections which provide assurances and accurate information?

The Gallaher and Cary (1986) and Delemos et al. (2008) studies suggest that although the water quality of surface waters in the area were impacted by the mining and milling activities in the area, the water quality impacts have lessened as uranium mining in the immediate vicinity has ceased and time has passed. ***However, both studies have limitations in their applicability: both studies are over 10 years old, and due to the ability of surface water quality in the area to change within that period of time, may not be representative of the current water quality conditions.*** *Unfortunately, due to the difficultly and safety concerns of collecting new site-specific surface water samples (i.e., the intensity and infrequency of flow in Pipeline Arroyo), more recent and site-specific surface water quality data is not available.* ***Therefore, there is some uncertainty as to the current surface water quality characteristics*** *in the immediate vicinity of the proposed project area (EIS section 3.5.1.3).*

94. This leaves an open question regarding surface water quality, as well as the impact of the proposed remedy on water quality in the future. Does the NRC not have a reliable surface water quality baseline from which to compare to future water quality assessments?
95. If not, isn't this leaving the issue of impacts to surface water quality of the proposed action unanswered?

The majority of the proposed project area has been designated by the Federal Emergency Management Agency (FEMA) as an area of minimal flood risk with the exception of a portion of Pipeline Arroyo, as shown in EIS Figure 3.5-2 (FEMA, 2019). FEMA designated the Pipeline Arroyo floodplain as an area with a 1 percent chance of flooding annually or an area that would flood during a 100-year storm (FEMA, 2019; FEMA, 1998). The 100-year floodplain covers part of the existing tailings impoundment's North Cell, Central Cell, and South Cell. MWH Global (MWH) performed flood hydrology calculations for Pipeline Arroyo because flood measurements were not available. The MWH flood hydrology results indicated that the peak flow of a 10-year flood in Pipeline Arroyo would be 34.4 cubic meters per second (m3 12 /s) [1,216 cubic feet per second (cfs)], a 100-year flood would have an estimated peak flow of 135.0 m3/s [4,766 cfs] and the estimated peak flow of the probable maximum flood, the largest probable flood for Pipeline Arroyo, would be 757.7 m3/s [26,759 cfs] (Stantec, 2019g; 16 INTERA, 2019) (EIS section 3.5.2.4).

96. Shouldn't the criteria to ensure stability and release be evaluated against scour, flooding, and possible dike/embankment failure?
97. How have climate change effects been accounted for, especially over the next 1,000 years?
98. Given portions of the tailings impoundments are located in the 100-year floodplain, wouldn't it be pertinent to have an analysis done to assess the impact of the probable maximum flood (almost 6 times greater flow than 100 year) on the impoundment stability, as well as the erodibility of the affected cover materials?

As a result of groundwater remediation activities that have occurred since 1980 (i.e., pump-and treat groundwater extraction systems described in EIS Section 3.5.4.2), and the withdrawal rate of the area being substantially higher than the recharge rate, water levels in the Quaternary Alluvium, Zone 3, and Zone 1 have declined and are currently below the base of the tailings impoundment cells.

Based on a comparison of this water level data with historic and current water elevation data reported in the 2018 Groundwater Corrective Action Annual Review Report for the UNC Mill Site (Hatch, 2019), water levels in the Southwest Alluvium, Zone 3, and Zone 1 continue to decline and, without a substantial recharge and rise in the water table in these units, contact between groundwater and the existing tailings would not occur (EIS section 3.5.2.3).

99. Where are groundwater levels expected to be when pump and treat ends, or some change in the withdrawal rate of the area occurs, or both? In the next 1,000 years, could the groundwater contact the tailings?
100. Where was the groundwater naturally with regards to the bottom of tailings?
101. Could it rise to this level in the future?
102. How was the evaluation done? Please provide these documents for review.

K. A Toxicology Study Should Be Conducted

The NRC's regulations in 10 CFR Part 20 specify annual worker dose limits, including 0.05 Sv [5 rem] total effective dose equivalent (TEDE) and dose limits to members of the public including 1 millisieverts (mSv) [100 millirem (mrem)] TEDE with no more than 0.02 mSv [2 mrem] in any 1-hour period from any external sources. These public dose limits from NRC-licensed activities are a fraction of the background radiation dose, as discussed in EIS Section 3.12.1.1. As part of a required assessment under CERCLA, a UNC contractor conducted a dose assessment involving a hypothetical residential scenario (i.e., building a house and living there) for these areas considering existing contamination levels. The calculated annual doses range from 1.34 to 4.44 mSv [134 to 444 mrem] and the reported entire site annual dose is 3.81 [381 mrem] (INTERA, 2018) (EIS section 3.12.1.1).

103. The dose ranges calculated in this section are based on a lot of assumptions: the contractor used a hypothetical residential scenario (instead of the actual scenario of the RWPRC), the current assumed contamination levels (based on outdated surveys), and they fail to account for the fact that the suggested dose range is additive to background. Are we supposed to just take UNC's word on this?

L. Radiological Concerns Otherwise Not Specified

The EPA has the responsibility of overseeing the NECR Mine Site remediation and will determine the appropriate rules, regulations, and mitigation measures to ensure groundwater quality is protected from any negative environmental impacts resulting from reclamation activities. After the reclamation, ***the NECR Mine Site would be released for unrestricted use*** *(EIS section 5.5.2).*

104. If the intention of the EPA is to release the NECR Mine Site for unrestricted use, then shouldn't the allowable contaminant levels reflect the same reuse levels adopted by the EPA for other sites across the state?
105. The EIS refers to the mitigation measures to ensure groundwater quality in several sections but where is the defined mitigation measure to make the water safe? Is the EPA ignoring that the groundwater has been contaminated for quite some time and the current mitigation measure has not been sufficient?
106. It's not discussed in the document how the UNC plans to monitor or verify the excavated concentration. A handheld survey unit, which is what they plan to use to detect the PTW, will

almost certainly not be able to distinguish this in a reasonable time frame. How does the UNC propose to verify the excavated concentration?

107. Where is the study and subsequent data for the hazards related to leaving the containment open to the atmosphere during remedial activities?
108. Extraction systems were shut down in 1999 and 2001. Has there been any monitoring data that shows rebounding of any of the contaminants in this zone? For Zone 3, what pilot studies or supplemental feasibility studies have been proposed for Zone 3's enhanced cleanup efforts?
109. How can an accurate evaluation of the proposed work be done when there are no concise statements of the radiological work anywhere in the document?
110. What is the recorded range of picocuries per gram radium Ra-226 at the UNC Mill Site? Please provide this documentation for review.
111. Why is a fully fleshed out Radon Protection Plan not presented within this context of the Draft EIS?

Future site remediation actions at the nearby Quivira Mine Site have the potential to generate additional public health impacts depending on the removal action alternatives that are selected once EPA completes their engineering and cost analysis. ***However, until that occurs, the remediation plans for that site and the associated potential 20 impacts remain uncertain*** *(EIS section 5.13).*

112. Since the planned action will leave the mine waste on site for 1,000 years or more, shouldn't the cumulative impacts from other projects be considered since these impacts could affect this action, possibly to the point of choosing another remedial action?

M. Why Have The UNC/NRC Not Given Any Weight To The Cultural And Religious Implications And Impacts?

The NRC staff concludes that further adverse impacts to historic and cultural resources from the proposed action and two secondary alternatives could be mitigated by finalizing and implementing a Programmatic Agreement for the management of these resources with the EPA, New Mexico State Historic Preservation Office, and the Navajo Nation Tribal Historic Preservation Office (EIS Executive Summary xxiii).

113. Why has the NRC not followed through with their plan to implement a Programmatic Agreement with the EPA, New Mexico State Historic Preservation Office, and the Navajo Nation Tribal Historic Preservation Office?
114. Is the NRC willing to move forward with the proposed action without the approval of the Navajo Nation Tribal Historic Preservation Office as well as the Navajo Nation Environmental Protection Agency?

Although the BLM has identified that there are no high-quality scenic views in the area, the surrounding visual and scenic landscape may have cultural and religious significance to the Navajo Nation that is not considered in the BLM VRM evaluation (EIS section 5.10).

115. Just stating that the land "may" have cultural or religious significance to the Navajo Nation does not address the issue. How was it considered by NRC in the EIS?
116. The potential impact to ranchers should be reconsidered as it will be "MODERATE" to "LARGE" especially when taking into account that their livestock graze in areas where there will be elevated soil and water contamination. This Draft EIS is deficient in its study and consideration of this community. How does UNC propose to remedy that?

117. There seems to be absolutely no consideration within the Draft EIS for Navajo Fundamental Law. How can the UNC propose a Draft EIS that has no concern for the Fundamental Law of its most impacted community?
118. The fact that Navajo tradition such as, a medicine man conducting ceremonies before implementation of remedial action, have not been included in the Draft EIS is further proof that the cultural impacts of this action have not been properly considered. How does the UNC propose to remedy this without a full partnership with the Navajo Nation?

This change in landscape could be significant to the Red Water Pond Road Community due to their proximity, the nature of the Navajo Nation's cultural and religious connection with the land, and the potential loss of culturally or religiously significant visual and scenic resources. Therefore, the NRC staff concluded in EIS Section 4.10.1 that the visual and scenic impacts associated with the closure of the proposed action are MODERATE (EIS section 5.10).

119. Shouldn't a higher impact be assessed since this change to their land is permanent?
120. The Draft EIS states "federal agencies do not want the Red Water Pond Road families to be at their homes during the four-year construction." Where does the NRC suggest the residents of the Red Water Pond Road Community relocate? The Pipeline Canyon Road community were completely overlooked. These families will be exposed to contaminated dirt, to construction noise and disruption from the traffic. Why are impacts to this community not included in the Draft EIS?
121. "The NRC staff also recognizes that there may be intangible impacts felt by the Navajo Nation and the Red Water Pond Road Community that may not be fully captured in this EIS." This appears to be a politically correct way of stating that the NRC has no intent in fully understanding the vast and myriad impacts from spiritual, social, and health standpoints that this action will have on the Red Water Pond Road Community. Please specify how this is to be remedied before this Draft EIS moves forward.

N. Why is the fact that NNEPA and the RWPRC Have Not Agreed with this plan being ignored?

The NECR Mine Site is located on Navajo Nation land. The EPA remedial action ROD describes all activities necessary to remove and dispose the NECR mine waste under CERCLA, including NRC approval of the proposed amendment to UNC's license that would allow disposal at the UNC Mill Site, which would also amend UNC's NRC-approved reclamation plan (EIS Executive Summary xviii).

122. What is the justification the EPA is using for considering the mine site and the mill site as one site under CERCLA? The Navajo Nation does not agree to the EPA utilizing a loophole to disrespect the treatment of Navajo land.
123. The 100-year flood plain encroaches upon the proposed disposal site. The Navajo do not have any intention to abandon their lands within the next 100 years. Why is this alone not a major factor in it not being disposed there?
124. The licensee would be required to visually monitor and report to NRC their observations. How often will this be? Will it be a local NRC agent? What is the current responsibility of the UNC mill licensee? In terms of reporting their observations/inspections of the mill site now, how many months or times a year do they inspect the mill site?

At the NECR Site, all wastes containing either 200 pCi/g or more of Ra-226 and/or 500 mg/kg or more of total uranium (0.05% uranium) present a significant risk to human health; therefore, this contaminated material is considered principal threat waste (EIS page 2-5).

125. Is this action level agreeable? The action level is twice the 1 in 10,000 cancers typically used. Why is this acceptable?
126. Are there any proposed use of wells located on Navajo Nation Trust lands? If so, why are they not included in the Draft EIS? If not, why not? Jurisdiction requires that UNC acquire a valid water use permit through the Navajo Nation Water Code department.
127. The EIS acknowledges "members of the Navajo Nation may hold views that differ from the conclusions presented in the EIS". Yes, we do and due to Covid 19 safety measure there were not any Public Hearings held in person, with a Navajo interpreter. Will the UNC host the public hearings before the Draft EIS is finalized now that it is safe to do so?
128. All residents within a 1-mile radius of the project site should be included in the most impacted community. The Red Water Pond Road Community is identified in this figure but all other residents within a mile radius of the project site are not. Why is this not delineated and considered in the Draft EIS?
129. Were any Navajo Nation laws or Fundamental Law considered as an ARAR?
130. Some would argue that there would be a "LARGE" impact to land use if the No-Action Alternative 2 was selected. The Navajo people and communities have been informing federal and tribal agencies about how in action has destabilized their lives and the harmony in the environment. There has been a great deal of unrest for the public. Why is this largely ignored in the Draft EIS?
131. It is the recommendation of the Navajo EPA that NRC develop and implement an Outreach Plan to help community members understand NRC regulations, the part in which NRC has to play in the remediation process, and the presentation of this Draft EIS pursuant to NRC Tribal Policy. As the current outreach has not been sufficient nor effective, how does UNC/NRC propose to remedy this?
132. Was Navajo Nation Department of Fish and Wildlife allowed to review and provide comments and recommendations? If not, why not? The Draft EIS should not move forward without this being done.
133. Where is Navajo Nation Fish & Wildlife categorical exclusion documents in this Draft EIS or any documentation from Navajo Nation Fish & Wildlife?
134. Where will the fuel be stored? If the fuel is stored on Navajo Trust Land, the Navajo Nation Storage Tank Act would have to apply to the storage of fuel. The storage of fuel needs to be approved before the Draft EIS should move forward.
135. UNC is currently diverting groundwater for industrial uses from a well G12, UNC plans to use water diverted from this well for decontamination, sanitary services, and dust control purposes. Why use well water? Why not utilize non potable water from an outsource?
136. Moving this type of hazardous waste, a mere few miles from a residential location would not be acceptable in any non-minority community. Where is the justification for this action? If the justification is only about lack of funding, why is this action being proposed instead of finding more funding?
137. Project timeline seems unrealistic in an effort to downplay the impact on the local community. This Draft EIS needs to be revisited with an eye towards reality. Where is the schedule and justification for the current proposed timeline?
138. Where are the RCPP and SPCCP plans located for review?

139. "UNC has already completed several evaluations & received multiple approvals." When were these evaluations reviewed, who approved, what year and where is notated? Where are these approvals of EPA CERCLA actions? Was it shared with all stakeholders involved? Please provide these documents for review.
140. In the entirety of this Draft EIS document, exceedingly little is acknowledged about the vast and hazardous impacts of this remedial action on the Red Water Pond Road Community. Why has the NRC not taken these impacts more seriously?
141. "The NRC staff recognizes that, while the NRC staff has attempted to accurately capture and describe the perspectives of the Navajo Nation in this EIS, members of the Navajo Nation may hold views that differ from the conclusions presented in this EIS." Why did the NRC not consider it important to work in tandem with the NNEPA in drafting this EIS as the Navajo Nation is the largest stakeholder?