

From: Bruce Campbell <madroneweb@aol.com>
Sent: Thursday, May 27, 2021 4:59 PM
To: UNC-ChurchRockEIS Resource; UNC-ChurchRockEIS Resource
Subject: [External_Sender] re: Docket NRC-2019-0026 Comments on DEIS re: Northeast Church Rock uranium mine site alleged cleanup (Part One)

May 25-27, 2021

Office of Administration, Mail Stop: TWFN-7-A60M
Attn.: Program Management, Announcements and Editing Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

To whom it may concern at the Nuclear Regulatory Commission and beyond,

These are my comments on the proposal to move a million cubic yards of NECR radioactive tailings waste to the mill site less than a mile down and across the road. Please withdraw the Environmental Impact Statement which continues the ad hoc “piece-mealing” approach that the NRC and EPA have taken with radioactive material on Navajo land, and instead embark on a more coherent holistic approach to consider how best to remove radioactive material to destinations nowhere near an Indian reservation or community!

1. NEPA requires a reasonable range of alternatives to be offered in an EIS. Really, with such a large continent here in North America, only one site is offered as an alternative to receive the radioactive mill tailings from the Northeast Churchrock (the United Nuclear Corporation uranium mill site which is on the National Priorities Cleanup List) site, and it is less than a mile away! In fact it is admitted in the documentation that “and two secondary alternatives (Alternatives 1A and 1B), each of which is substantively the same as the proposed action, but with specific modifications to activities.” (pg. xix). It is an inadequate range of alternatives to have all action alternatives be “substantively the same as the proposed action”! So please withdraw the EIS, but if continue with the process, offer a reasonable range of alternatives in a Supplemental Draft EIS including options outside of Indian county (and I do not count one private inholding surrounded by the Navajo Res to be “outside of Indian country”).

Yet, as you well know, radwaste producers look throughout the USA and even internationally to dump their waste – no distance in the USA is too far for such high-level, low-level, mixed waste, etc. But when the radioactive material takes the form of tailings, and it is merely INDIGENOUS PEOPLE that one is contending with here, then you may only consider one option which happens to be within one mile of the NECR mine! This is environmental injustice / environmental racism pure and simple!

2. I object to NEPA’s ad hoc piecemealing approach to one project at a time – rather than dealing with all uranium issues on the Navajo Reservation (with its 525 Abandoned Uranium

Mines) in a coherent and holistic manner. Heck, you can't even analyze various aspects of the 3 facilities quite close together northeast of Gallup!

It is shameful "linguistic toxification" to declare that what was admitted to be "Principal Threat Waste" has somehow instead become "low-level waste" in order to save \$249 million in transportation costs! This is "environmental racism" pure and simple – something the current administration has at least feigned interest in addressing.

I note that the USEPA mentions currently on their website that "From 1944 to 1986, 30 million tons of uranium ore were extracted from Navajo lands under leases with the Navajo Nation." Yet I believe it is the 1991 USEPA "Abandoned Uranium Mine Assessment and Cleanup" document which instead says: "Abandoned Uranium Mines: Mine operators extracted nearly four million tons of uranium ore from 1944 to 1986 across the 27,000 square-mile Navajo Nation." Kindly explain the massive discrepancy in figures despite the same years being involved with the estimates.

It is most unusual to dump a massive amount of radioactive tailings above another disposal facility such as the "UNC tailings impoundment". There was inadequate analysis of the impact that gravity/settling, rain, wind, and other elements would have on the unusual dump arrangement down the road from the NECR site.

I notice that page xviii says that: "Navajo Nation lands also surround the proposed project area." I do not consider one in-holding owned by a reckless extraction company surrounded by Navajo Nation lands to be "off of Indian land", so find another site!

The proposal to haul the massive amount of radioactive mill tailings down the road to the mill site is a Trojan Horse in order to keep most radioactive mill tailings on the Navajo Reservation after all. If the largest uranium mine on the Navajo Res, and the only one to be declared an "EPA lead" project or a Superfund site (the NECR mine) can conveniently be linguistically downgraded so that this huge amount of radioactive material need not be transported off of the Navajo, then it can happen with any and all of the other approximately 524 other uranium mines on the Navajo Reservation!!!

Ashley Waldron of the NRC notes that: "'The U.S. EPA noted in its decision that the community and the Navajo Nation government had supported the transfer to a licensed repository further away from the Navajo Nation," said Waldron." The Navajo Times continues: "The Navajo Nation has asked U.S. EPA in the past to require the radioactive uranium waste currently at NECR to be transported to an offsite waste repository away from the Red Water Pond Road Community and other communities. U.S. EPA requires the removal of Principal Threat Waste, the most toxic or highly mobile waste, to an off-site facility."

The document acts like the proposal is a cleanup and acts like the proposed action is a logical use of CERCLA. Yet now I shall quote the "Limitations" portion of the 1991 "Abandoned Uranium Mine Assessment and Cleanup" which reads:

"LIMITATIONS

Legislation: Unlike the uranium mill tailings cleanup program, there is no specific legislation to address abandoned uranium mines. After the expiration of UMTRCA, neither UMTRCA nor CERCLA provides response authority for releases to soil from uranium mill sites. CERCLA is not ideally tailored to the AUM problem because of low population in the Navajo Nation.

Transportation and Disposal: For mine sites that require remediation, options to dispose of wastes in an onsite repository or offsite. Clean closure of these sites would require transporting the waste to a disposal site, which may be hundreds of miles away."

Note that what is proposed for the NECR mine is appalling that there has been so little attention focused on what is clearly an ENVIRONMENTAL JUSTICE community which is the Red Water Pond Road community in the midst of perhaps the three most intensely radioactive sites on the Navajo Res.

I am appalled by the repeated conclusions of NRC staff (likely not experts on epidemiology and human health) that there is no "public health threat" despite the massive amount of radioactive material in the area. In part two of my comments, I will mention the part of the document that admits to a "public radiological threat" to the Red Water Pond Road community.

Sincerely concerned,

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Federal Register Notice: 85FR72706
Comment Number: 90

Mail Envelope Properties (019001d7533b\$224322c0\$66c96840\$)

Subject: [External_Sender] re: Docket NRC-2019-0026 Comments on DEIS re: Northeast Church Rock uranium mine site alleged cleanup (Part One)

Sent Date: 5/27/2021 4:59:05 PM

Received Date: 5/27/2021 4:59:14 PM

From: Bruce Campbell

Created By: madroneweb@aol.com

Recipients:

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Files	Size	Date & Time
MESSAGE	6969	5/27/2021 4:59:14 PM

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