



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

February 9, 2023

Christine Pineda
Environmental Project Manager
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Final Environmental Impact Statement for the Disposal of Mine Waste at the United Nuclear Corporation Mill Site in McKinley County, New Mexico (EIS No. 20230003)

Dear Christine Pineda,

The U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement for the Disposal of Mine Waste at the United Nuclear Corporation Mill Site in McKinley County, New Mexico. Our review was completed pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The UNC has requested that the U.S. Nuclear Regulatory Commission amend its license (SUA-1475) for the tailings impoundment at the UNC Mill Site to allow for the disposal of mine waste from the Northeast Church Rock (NECR) Mine Site into a repository that would be constructed on top of the existing tailings impoundment. In response to the license amendment request, the NRC has prepared: 1) a Safety Evaluation Report which documents the safety portion of the NRC staff's review of the license amendment; 2) an EIS which addresses the environmental impacts of the proposed action in accordance with the NRC's NEPA implementation regulations; and 3) a final Programmatic Agreement under section 106 of the National Historic Preservation Act which provides requirements for the NRC, EPA, and UNC to follow to ensure that cultural resources are protected during project activities.

The EPA has been involved with the cleanup of the NECR Mine Site since 2005 when the Navajo Nation requested that the EPA take the lead on addressing this site under CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) authority. Throughout the development of the EIS, the EPA has appreciated the commitment of the NRC to work closely with the Navajo Nation, as well as state, tribal, and federal resource and regulatory agencies to address concerns and avoid and minimize impacts to environmental resources.

The EPA appreciates the opportunity for early coordination on this NEPA process and has provided detailed comments for this project throughout: scoping on April 18, 2019; Administrative Draft EIS on August 3, 2020, including responding to follow-up questions from the NRC on August 27, 2020; Draft EIS on May 27, 2021; and on the Administrative Final EIS on March 15, 2022. We appreciate that the NRC has responded to and addressed our comments regarding reference to Applicable or Relevant and Appropriate Requirements (ARARs), compliance with the Clean Water Act, stricter air quality mitigation measures, the timeline for the cleanup of the Quivira Mine Site, and the remedy selection process as described within the Final EIS. The EPA has no further comments on the Final EIS.

When the Record of Decision is signed, please send a copy via email to Ann McPherson, the lead reviewer for this project, at mcperson.ann@epa.gov. If you have any questions, please contact me at (415) 947-4167 or prijatel.jean@epa.gov or Ann at 415-972-3545 or via email.

Sincerely,

Jean Prijatel
Manager, Environmental Review Branch

cc via email: Valinda C. Shirley, Navajo Nation EPA
Robert Houston, EPA Region 6