

**From:** Dariel Yazzie <darielyazzie@navajo-nsn.gov>  
**Sent:** Tuesday, December 22, 2020 1:15 PM  
**To:** Tappert, John; Doane, Margaret; Lubinski, John;  
jessiie.quintero@nrc.gov; Waldron, Ashley; Duncan, Will; Jacobs, Sara;  
Chip Cameron  
**Cc:** Valinda C. Shirley; Lee Anna Martinez; Ronnie Ben; Erika Pirotte;  
hkarr@nndoj.org; Williams, Laurie; Hogan, Sean  
**Subject:** [External\_Sender] Fw: Request for Extension of Public Comment Period  
for Draft EIS  
**Attachments:** President letter to US NRC extension request.pdf

Greeting Mr. Tappert,

First let me extend my wishes for the holiday season as we come off a day where the celestial landscape transitioned into an amazing and beautiful event that is held in such high regards by all people. All be it from understanding from our cultural teachings, or simply from the awe of something that we marveled at...it is something I feel through a respectful manner of communication that I can say was significant for our Dine' (Navajo people) that was revered as a true significant event in our history with the birth of White Shell woman. The event having such profound meaning for our very existence and the manner in which we live our daily lives. May our Creator bless you all with good health and prosperity in all walks of life...Hozho' be with you, and may all be Hozho' with you.

Please find attached the formal position on what had been the question of the hour, following the recent community event in the sharing of the draft EIS. I believe this will reinforce and help with the continuation and discussions for our efforts to keep moving forward. Hard copies will be mailed out.

Thank you.

-Dariel Yazzie

**Federal Register Notice:** 85FR72706  
**Comment Number:** 6

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**From:** Dariel Yazzie

**Created By:** darielyazzie@navajo-nsn.gov

**Recipients:**

**Post Office:** navajo-nsn.gov

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# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

December 21, 2020

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

By Email to: [UNCChurchRockEIS.resource@nrc.gov](mailto:UNCChurchRockEIS.resource@nrc.gov); [John.Tappert@NRC.gov](mailto:John.Tappert@NRC.gov)

**Re: Request for Extension of Public Comment Period for Draft Environmental Impact Statement for License Amendment for United Nuclear Corporation Church Rock Project, Docket ID NRC-2019-0026**

Dear Mr. Tappert,

I am writing to request an extension of 90 days from the current deadline of February 26, 2021 for the comment period on the Draft Environmental Impact Statement (DEIS) for a license amendment for the United Nuclear Corporation Church Rock Project (UNC Mill Site). The work contemplated under the proposed license amendment would have a “disproportionately high and adverse environmental impact” on the Navajo communities surrounding the project area, as stated in the DEIS itself, and those communities must be given a meaningful opportunity to comment on the DEIS.

Under the license amendment, radioactive waste from the Northeast Church Rock (NECR) Mine Site, which is located within the formal Navajo Reservation, would be placed into a repository located at the UNC Mill Site. The UNC Mill Site is located less than one mile from the NECR Mine Site, immediately adjacent to the formal Navajo Reservation. It is within the Eastern Navajo Agency and is surrounded by Navajo trust lands and Navajo communities. For example, the Red Water Pond Road Community is situated between the NECR Mine and the Kerr-McGee Quivira Mines (additional abandoned uranium mines in the vicinity of the NECR Mine and the UNC Mill Sites) and is within 0.22 km (0.14 miles) of the UNC Mill Site. This community and many other Navajo communities have been severely impacted by the legacy of uranium mining on the Navajo Nation. Indeed, the DEIS itself finds that Navajo communities are closer than any other community to the proposed project area and would be disproportionately affected due to transportation-related effects, impacts to air quality, increased noise levels, and visual disturbances. (DEIS Section 4.12.)

The NRC provided two public webinars on the DEIS, on December 2 and 9, 2020, lasting three hours each. At the webinars, NRC informed the public that comments on the DEIS are due by December 28, 2020. Unfortunately, these webinars were inadequate to provide and receive information from the Navajo communities that will be the most directly impacted by the proposed project. Moreover, the timeframe provided for the comment period, even though it apparently has been extended to February 26, 2021, is too short to allow the necessary exchange of information to take place.

First, many members of the community were unable to participate in the webinars. Cell phone coverage in and around the Navajo Nation is spotty at best, and not everyone even has access to a cell phone.

In addition, the matters at issue are technical and complex, and they require a full explanation to the public. Many members of the communities near the Quivira Mines, NECR Mine, and UNC Mill Site need the situation to be explained to them more fully and the details about the proposed action to be made clear. Our Navajo Nation EPA (NNEPA) staff have spoken with some of these individuals, and it is evident that there are significant misconceptions about the proposed action.

An open dialogue with these communities is needed, which can be achieved only through engagement on a more individual level rather than through webinar presentations. For example, the Red Water Pond Road community, which is the community that will suffer the brunt of the impacts from the proposed action, has already stated concerns to NNEPA staff that need to be recognized and resolved as part of the DEIS comment process.

Dine' Fundamental Law requires that we engage respectfully through our identifiable clans as Navajo people. We extend that respectful approach to those we share our environment with, other five-fingered people. We therefore need to ensure the impacted communities fully understand and are afforded a true opportunity to provide comments on the proposed action. Navajo Nation Superfund, along with the United States Environmental Protection Agency - Region 9, have embraced the inclusion of Dine' Fundamental Law in their efforts in addressing abandoned uranium mine sites on the Navajo Nation, and we hope that the NRC will do the same.

Moreover, due to the COVID-19 pandemic and corresponding mandatory and voluntary restrictions, a longer public comment period is imperative. The NRC's current approach would result in action being taken even though only a small fraction of the affected community was represented on the two public webinars. The current stay at home order that is in place on the Navajo Nation prevented families from traveling to an area where cell service or Wi-Fi was available for them to participate. See Navajo Dept. of Public Health, Public Health Emergency Order No. 2020-031 (extending prior stay at home orders to December 28, 2020). The logistics of establishing productive methods of communicating with ALL of the impacted community need to be considered and addressed.

It is critical that the public have an adequate opportunity to meaningfully review and comment on the DEIS to ensure that the NRC's analysis is complete and considers all the options for and impacts of the proposed project. There have been many discussions between the relevant agencies to identify the matters at issue and possible approaches to them, and the community needs to be given an opportunity to hear and understand the issues sufficiently to allow them to provide meaningful comments. We believe that allowing adequate time for a well-considered review and thorough comments on the DEIS by the impacted communities will lead to better evaluations that protect the environmental and cultural resources at issue. Forty-five days (the original comment period), or even an additional 60 days (an extension to February 26, 2021), is clearly not sufficient in light of all the circumstances discussed above. We therefore request that

the NRC provide until May 27, 2021 for public comment on the DEIS, given the complexity of the proposed project, the nature of the Navajo communities who are most affected, principles of Fundamental Law, and the still ongoing pandemic. We believe this extension of the comment period is essential for the NRC to provide meaningful opportunity to comment. I look forward to your affirmative response to this request.

Sincerely,



Jonathan Nez, *President*  
**THE NAVAJO NATION**

cc: Margaret Doane, Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
[Margaret.Doane@NRC.gov](mailto:Margaret.Doane@NRC.gov)

John W. Lubinski, Director, Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
[John.Lubinski@NRC.gov](mailto:John.Lubinski@NRC.gov)

Jessie Quintero, Chief, Environmental Review Materials Branch  
U.S. Nuclear Regulatory Commission  
[Jessie.Quintero@NRC.gov](mailto:Jessie.Quintero@NRC.gov)

Ashley Waldron, Environmental Project Manager, Environmental Review Materials  
Branch  
U.S. Nuclear Regulatory Commission  
[Ashley.Waldron@NRC.gov](mailto:Ashley.Waldron@NRC.gov)

Ronnie Ben, Delegated Executive Director, Navajo Nation EPA  
Dariel Yazzie, Navajo Nation Superfund Program