

Congress of the United States
Washington, DC 20515

September 15, 2021

The Honorable Jennifer M. Granholm
Secretary
U.S. Department of Energy
1000 Independence Ave. SW
Washington DC 20585

Dear Secretary Granholm,

We write in response to the “Request for Information Regarding Establishment of the Department of Energy Uranium Reserve Program” (RFI),¹ published by the Department of Energy (DOE) on August 11, 2021, to express our concern with the establishment of a government-funded uranium reserve and with the lack of engagement with affected communities. The establishment of a government-funded uranium reserve poses a serious threat to the health of Tribal and environmental justice communities, as well as to the overall environment. Furthermore, there is no urgent need for domestic uranium. Instead of establishing a uranium reserve, the DOE should focus on the cleanup and remediation of existing toxic waste and conduct extensive outreach with communities affected by current and previous uranium mining operations.

The establishment of a uranium reserve would threaten Tribal and environmental justice communities—contradicting the recommendations that the White House Environmental Justice Advisory Council (WHEJAC) submitted to the Biden administration in May regarding Justice40, the Climate and Economic Justice Screening Tool, and revisions to Executive Order 12898.² In a letter summarizing its recommendations, WHEJAC wrote that, “Justice 40 must ensure that 100% of the investments do no harm to frontline communities. Using funds to add to cumulative pollution only to use other funds to mitigate the impacts is a losing proposition for our communities.”³ In contradiction of these recommendations, the proposed uranium reserve would add to pollution in frontline communities. We urge the DOE to heed WHEJAC’s

¹ Request for Information Regarding Establishment of the Department of Energy Uranium Reserve Program, 86 FR 44007 at 44007-44000 (Aug. 11, 2021), <https://www.federalregister.gov/documents/2021/08/11/2021-17145/request-for-information-regarding-establishment-of-the-department-of-energy-uranium-reserve-program>.

² WHEJAC, White House Environmental Justice Advisory Council Final Recommendations: Justice40, Climate and Economic Justice Screening Tool, & Executive Order 12898 Revisions at 7 (May 21, 2021), <https://www.epa.gov/sites/default/files/2021-05/documents/whiteh2.pdf>.

³ Letter from Richard Moore and Peggy M. Shepard, WHEJAC Co-Chairs, to the Honorable Ms. Brenda Mallory, Chair (May 21, 2021), https://www.epa.gov/sites/default/files/2021-05/documents/white_house_environmental_justice_advisory_council_final_recommendations_cover_letter_may_21_2021.pdf.

recommendations and avoid creating further environmental harm, especially while we still have yet to remediate existing damage from uranium mining.

To date, Tribal and environmental justice communities, like those in the Navajo Nation, still grapple with contamination from past mining and milling operations. A 2019 University of New Mexico study found that more than one-quarter of nearly 800 Navajo Nation women tested had high concentrations of uranium in their bodies.⁴ While the RFI proposes that the uranium reserve would not accept uranium produced from Tribal lands, from expanded access to additional uranium deposits on federal land, or from the expansion of the Office of Legacy Management's Uranium Leasing Program,⁵ this is not enough to ensure the protection of frontline communities, especially Indigenous ones.

Additionally, there is no urgent demand for domestic uranium to justify the creation of a uranium reserve. The United States is able to obtain most of the uranium it needs from suppliers domestically, and from Canada and Australia,⁶ and has enough enriched uranium stockpiled to meet defense needs. According to a DOE report, tritium supplies—a fuel for nuclear warheads partly derived from uranium—are sufficient through at least 2040, while other defense uses may not demand new uranium until 2060.⁷

The proposed uranium reserve would provide a guaranteed benefit for the uranium mining and processing companies that threaten communities already burdened with the long-term consequences of uranium extraction. While the proposed uranium reserve would help individual domestic uranium mines and their executives stay in business, these operators pay neither a federal royalty nor reclamation fee to the taxpayer under the *General Mining Law of 1872*. Not only could a federal uranium reserve buy uranium from harmful sources and essentially fund pollution, it would be doing so without any assurance of financial support for remediation from the polluters themselves.

Tribal communities have historically been denied meaningful consultation in the siting and operation of uranium mines and mills and are forced to suffer the consequences decades after mining ends. The RFI's original 30-day comment period did not provide sufficient time for proper Tribal consultation or meaningful engagement with frontline communities. Additionally, issuing an RFI and passively soliciting feedback on such a serious issue is simply not enough. Direct outreach and ample time for stakeholder engagement are critical—especially given the challenges posed by the COVID-19 pandemic and the potential for harm.

⁴ Mary Hudetz, *US official: Research finds uranium in Navajo women, babies*, Associated Press (Oct. 7, 2019), <https://apnews.com/article/334124280ace4b36beb6b8d58c328ae3>.

⁵ Request for Information Regarding Establishment of the Department of Energy Uranium Reserve Program, 86 FR 44007, at 44007-44000 (Aug. 11, 2021), <https://www.federalregister.gov/documents/2021/08/11/2021-17145/request-for-information-regarding-establishment-of-the-department-of-energy-uranium-reserve-program>.

⁶ U.S. Energy Information Administration, *Nuclear Explained: Where Our Uranium Comes From* (last accessed Aug. 31, 2021), <https://www.eia.gov/energyexplained/nuclear/where-our-uranium-comes-from.php>.

⁷ U.S. Department of Energy, *Tritium and Enriched Uranium Management Plan Through 2060* at 40 (2015), <http://fissilematerials.org/library/doe15b.pdf>.

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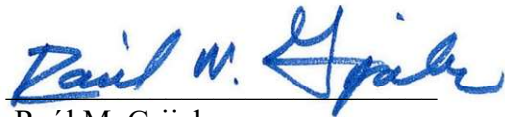
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If the DOE decides to purchase domestically mined and produced uranium for a new uranium reserve, it would almost certainly worsen environmental injustices in Tribal communities. Instead, the DOE should extend the RFI, actively consult with Tribal and environmental justice communities, and work to clean up the uranium mining and milling pollution that continues to endanger Tribal communities today. We thank you for the opportunity to comment and urge that you reconsider the proposal for an unnecessary, inequitable, and dangerous domestic uranium reserve.

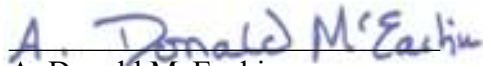
Sincerely,



Edward J. Markey
United States Senator



Raúl M. Grijalva
Chair
House Committee on Natural Resources



A. Donald McEachin
Member of Congress



Teresa Leger-Fernández
Member of Congress



Betty McCollum
Member of Congress



Alan S. Lowenthal
Member of Congress

CC: Debra Haaland, Secretary of the Interior
Brenda Mallory, Chair of White House Council on Environmental Quality
Members of the White House Environmental Justice Advisory Council