

**From:** reed\_c@grandecom.net  
**To:** <reed\_c@grandecom.net>, <URLGEIS@nrc.gov>  
**Date:** 10/31/2007 11:32:35 AM  
**Subject:** comments on GEIS from TExas

October 31, 2007

Chief Rules Review and Directive Branch

Mail Stop T-6D59

U.S. Nuclear Regulatory Commission

Washington, D.C. 20555-001

<mailto:URLGEIS@nrc.gov> URLGEIS@nrc.gov

RE: Uranium Recovery GEIS; Scoping Comments

Dear Sirs:

This letter is submitted on behalf of the Lone Star Chapter of the Sierra

Club in response to the U.S. Nuclear Regulatory Commission's (NRC's) Federal Register notice dated July 24, 2007, as well as the more recent Federal Register notice dated September 26, 2007, regarding the scope of the proposed Generic Environmental Impact Statement (GEIS) for in situ leach (ISL) uranium mining.

The Lone Star Chapter of the Sierra Club - representing approximately 24,000 Sierra Club members in Texas - has a significant interest in this issue. Sierra Club has hundreds of members in South Texas, including in Victoria, Kleberg, Live Oak, Kenedy, Duval, Joe Hogg, Goliad and other counties where ISL uranium mining has occurred in the past or is currently proposed. With the price of uranium rising to historically high levels, and the recent announcement that several companies are pursuing new nuclear power plants in Texas, it is likely that other companies will seek to invest in uranium mining in South Texas, where large amounts of uranium are present underground.

As an organization dedicated to the enjoyment, protection and exploration of natural resource areas, the Sierra Club in Texas views any activity such as in-situ uranium mining, with its potential to impact the groundwater, airshed, land, wildlife and health of individual Club members and other residents as an activity of grave concern. Therefore, we appreciate the opportunity to comment on the proposed creation of a Generic Environmental Impact Statement on this type of activity.

We recognize the need to regulate this activity and enforce regulations on the activity. Texas is an Agreement State with responsibility for permitting in-situ uranium mining sites and licensing radioactive materials management. Nonetheless, the development of a Generic Environmental Impact Statement by the NRC for in-situ uranium mining would likely be relied upon by Texas legislators and regulators, in somewhat the same manner as are NUREGs, as a guidance document for regulation of uranium mining activity.

Therefore, on the one hand, the GEIS might analyze possible risks from uranium mining activity that Texas regulators might overlook or undervalue. On the other hand, however, the GEIS might become de facto a ceiling, rather than a floor, on what regulators would require of applicants seeking to mine new areas in Texas. Thus, the NRC should be mindful of the implications of

its GEIS on residents of Agreement States.

By attempting to simplify the National Environmental Policy Act (NEPA) process through a GEIS, the NRC inadvertently could undermine the opportunities of residents of Agreement States to assure full-scale analyses of individual sites - with public participation - opportunities that might exist otherwise under state programs.. Again, in Texas, the GEIS, though potentially helpful on one level as guidance, could serve to limit analysis of actual on-site conditions related to land use, aquifers and local topography.

Because the development of a uranium mining GEIS might impact Texas regulatory activities, we would call on the NRC to extend the public comment period for a second time beyond October 31, 2007, and hold a public hearing in South Texas on the issue. The risks and the costs are too high, if site-specific analysis required for ISL is treated as "generic." If the NRC decides to go ahead with development of a draft GEIS, we would ask that a public meeting on the issue be held in Texas, where significant ISL mining is occurring.

Finally, based on the legacy of radioactive contamination from uranium in the Southwest, we urge the NRC to thoroughly analyze environmental impacts and involve all local communities in decision making. No more uranium development should be authorized until the impacts from the past have been cleaned up and future contamination can be avoided. In Texas, there are communities with contaminated aquifers that have yet to see the promised clean-ups occur that resulted from in-situ uranium mining - often when regulators adjusted, i.e., made more lenient, the "restoration" tables once mining had been completed. This occurrence has been aggravated in Texas by the failure of regulators to secure anything approaching adequate restoration bonds or other financial assurance for restoration at the outset of mining.

Sincerely,

Cyrus Reed

On behalf of Lone Star Chapter of the Sierra Club

1202 San Antonio, Austin, Texas 78701

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