

From: Dusty Miller <ponygirl@kc.rr.com>
To: <NRCREP@nrc.gov>
Date: 9/4/2007 5:44:03 AM
Subject: Uranium Recovery GEIS

To Whom It May Concern:

I am responding to the U.S. Nuclear Regulatory Commission's Federal Register notice dated July 24, 2007, regarding the scope of the proposed Generic Environmental Impact Statement ("GEIS") for in situ leach ("ISL") uranium mining.

I am writing to document my strong opposition to a GEIS for many reasons, including the following.

First, the process by which the NRC arrived at its conclusion to draft a GEIS is fundamentally flawed. There was no public input about whether a GEIS is needed or desirable. Given the site-specific nature of ISL operations, the usefulness of a GEIS is dubious at best. The NRC is catering to nuclear industry requests as if it is part of the industry. However, the NRC is supposed to be an independent regulatory body that can objectively evaluate environmental impacts from mining and nuclear power activities. If the NRC cannot perform this function, environmental review responsibilities for all nuclear activities should be handed over to the EPA.

This process gives the impression that drafting a GEIS that would expedite the ISL licensing process was a foregone conclusion - it most certainly should not be.

Second, the scoping process itself has been deeply flawed. Only two public meetings have been scheduled on this matter - one in Casper, Wyoming and one in Albuquerque, New Mexico. Additionally, a special meeting with the National Mining Association was held in Washington, D.C.

None of these communities is the site of any proposed ISL mining operations. Communities that face proposed ISL mining such as Grants, Gallup, Crownpoint and Church Rock, New Mexico, were ignored. It is essential that affected communities be included in the scoping process.

Additionally, the NRC has ignored entire states, such as Utah, Arizona, Colorado and South Dakota, where ISL mining is proposed. This is definitely not fulfilling the NRC's legal obligations under NEPA.

The NRC should, at a minimum, schedule public meetings in communities that will be affected by ISL mining and give them an adequate time to comment.

Third, if the NRC has concluded, as it appears to have already done, that a GEIS should be drafted, its scope should be very limited. ISL mining is inherently

constrained by site-specific considerations that cannot be rationally included in a generic one size fits all environmental review. To conclude that the hydrology, water quality, geology, socioeconomics, and cultural resources in places as diverse as northwest New Mexico and south Texas - where ISL mining is ongoing and proposed - can be evaluated in a generic manner is absurd on its face. These issues can only be evaluated on a site-specific basis with a site-specific environmental impact statement.

Finally, relegating these important site-specific issues to evaluation in an environmental assessment ("EA") is unacceptable. The public participation and environmental analysis requirements under the National Environmental Policy Act are much less stringent for EAs than for EISs. Uranium mining and all nuclear activities have such a huge potential for environmental impact that they must be evaluated using nothing less than a full EIS.

Because the site-specific issues are so central to assessing the environmental impact of proposed ISL operations, meaningful public participation and a rigorous environmental analysis are critical. Such issues clearly cannot be fully addressed in an EA. In fact, in the August 13, 2007 issue of the Gallup Independent, the NRC's Office of Federal and State Materials and Environmental Management Programs Branch Chief Gregory Suber stated that "the potential for fewer public meetings is there" with the EA process. And that is, of course, why the nuclear industry is pressuring you to go that route. However, you have a responsibility under federal law to adequately review the environmental consequences of your actions, which requires a review process much more thorough than what the nuclear industry would like.

I would like the NRC to abandon plans for a uranium mining GEIS and instead fulfill its obligations under NEPA and use an EIS for each uranium mining project.

Thank you for the opportunity to submit my comments on this matter, and please keep me apprised of developments with regard to the GEIS.

Sincerely,

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