

From: R BLANCHARD <rosemary_blanchard@msn.com>
To: <NRCREP@nrc.gov>
Date: 9/4/2007 5:53:28 AM
Subject: Uranium Recovery GEIS

Rosemary Ann Blanchard
172 Los Jardines Pl., NW
Albuquerque, NM 87104

September 4, 2007

Chief, Rules Review and Directives Branch
Mail Stop T-6D59, U.S. Nuclear Regulatory Commission
Washington, DC 20555-001

SUBJECT: Uranium Recovery GEIS

Dear Branch Chief:

I was able to participate in the public comment hearing on the proposed Generic Environmental Impact Statement for In Situ Leach uranium mining which you held in Albuquerque, NM on August 9, 2007. At that time I presented oral testimony. I was fortunate to be able to participate in the hearing. Most persons concerned with this issue could not participate for several reasons:

You held only two hearings

You provided unreasonably short notice for these hearings

You did not bring your hearings to the communities most likely to be affected by ISL mining of uranium

These three deficiencies in your process have caused me to question your good faith in seeking public comment. It appeared more likely that you were creating an appearance of public comment rather than a robust reality. This is unfortunate because ISL mining is a matter of critical importance to the communities in the arid Intermountain West where this it is currently proposed that this form of mining be employed. In addition, ISL mining is proposed in a number of areas that are located within the exterior boundaries or proximate to American Indian nations, with whom the United States government has or should have a special relationship of trust and in particular in areas which have already suffered unremedied environmental harm because of early adventures in uranium mining. Given the history of uranium mining in areas like the northwest corner of New Mexico and the importance of this issue to the people who live here, your failure to provide better notice of your proposed hearings, your failure to bring the hearings into the communities most likely to be directly affected and

your failure to deal directly with American Indian governments on this issue shows a serious insensitivity to community concerns and to the minimum standards of community participation this issue deserves.

With this said, I want to also address deficiencies in the process of ISL mining as you described it at the Albuquerque hearing and the serious risks which this process poses for Northwestern New Mexico and other parts of the Four Corners area that are in any way connected to the aquifers that would be affected by this process. As I related at the hearing, I have previously learned of permanent damage to water quality caused by the Church Rock uranium spill. To my dismay, I found that no federal agency would take responsibility to try to make the people affected by this spill whole. Instead, agencies like the Indian Health Service and the Bureau of Indian Affairs described their responsibilities in minimalist terms. As an example, the Indian Health Service had to dig artesian wells for Navajo families moved to the New Lands relocation area because the water was contaminated by uranium. However, HIS representatives felt no responsibility to provide safe water to the public school children from the New Lands would attend or even to inform the school district superintendent that the water to the school was contaminated.

I have to believe that any breach of the containment system by an ISL mine would be treated in the same way. It would not be the responsibility of the NRC to bring safe water to a community whose water supply was contaminated by a breach of ISL containment. It would not be the responsibility of the Indian Health Service or Public Health Service. The Superfund would never get to it. The company involved could evolve into another corporation and avoid its responsibilities. In short, you are looking to find a fast track for approving a mining technology which places at risk the most precious asset we have in the Intermountain West – our groundwater.

I will admit that I do not believe that ISL mining of uranium is a safe technology and I do not believe it should be undertaken any place in our region. However, if you feel there is some place for this technology, you have a legal, professional, ethical and social justice obligation to look individually at each site where an application is submitted for an ISL uranium mining permit. You should not do any of the work of assessing the environmental impact on an overall, generic basis. It is essential that you look at each site from the ground up, with no preconceptions embedded into your process by the categories already established in some generic review. You need to look at the unique circumstances of the land, water and people affected, including their prior experience of harm caused in the exploitation of uranium mining and milling.

You also need to look very realistically at the nature and number of employment opportunities that would actually be created in the case of each proposed mine. In a cost/benefit analysis, it is essential to evaluate the full impact of an ISL mining project on the community, including impact on land and

water and job creation for the workforce that actually exists in that area.

For all these reasons I urge you to withdraw your plans for the development of GENERIC environmental impact statement for in situ leach mining of uranium and, instead, to undertake a process by which each and every application will be subject to a complete, thorough environmental impact statement. In that process, I strongly urge you to consider the environmental justice issues that arise with each application. In the course of reviewing each individual application it is also essential that you conduct one or more hearings in the communities directly affected by the application. In sum, you need to redesign your process for soliciting public comment to make it more democratic, more sensitive to the cultural groups who are most likely to be affected by ISL uranium mining operations and more incorporative of environmental justice issues.

Sincerely,

Rosemary Ann Blanchard

Rosemary Ann Blanchard, J.D., Ph.D.
Associate Professor of Education
California State University Sacramento
(part time resident of New Mexico)
rblnchrd@csus.edu

Federal Register Notice: 72FR40344
Comment Number: 1141

Mail Envelope Properties (474AB298.HQGWDO01.TWGWPO03.200.2000005.1.1260C6.1)

Subject: Uranium Recovery GEIS
Creation Date: 9/4/2007 5:53:28 AM
From: R BLANCHARD <rosemary_blanchard@msn.com>

Created By: rosemary_blanchard@msn.com

Recipients
<NRCREP@nrc.gov>

Post Office
TWGWPO03.HQGWDO01

Route
nrc.gov

Files	Size	Date & Time
MESSAGE	6378	9/4/2007 5:53:28 AM
TEXT.htm	15873	11/26/2007 11:48:40 AM
Mime.822	25136	11/26/2007 11:48:40 AM

Options
Priority: Standard
Reply Requested: No
Return Notification: None
None

Concealed Subject: No
Security: Standard

**Rosemary Ann Blanchard
172 Los Jardines Pl., NW
Albuquerque, NM 87104**

September 4, 2007

Chief, Rules Review and Directives Branch
Mail Stop T-6D59, U.S. Nuclear Regulatory Commission
Washington, DC 20555-001

SUBJECT: Uranium Recovery GEIS

Dear Branch Chief:

I was able to participate in the public comment hearing on the proposed Generic Environmental Impact Statement for In Situ Leach uranium mining which you held in Albuquerque, NM on August 9, 2007. At that time I presented oral testimony. I was fortunate to be able to participate in the hearing. Most persons concerned with this issue could not participate for several reasons:

- You held only two hearings
- You provided unreasonably short notice for these hearings
- You did not bring your hearings to the communities most likely to be affected by ISL mining of uranium

These three deficiencies in your process have caused me to question your good faith in seeking public comment. It appeared more likely that you were creating an appearance of public comment rather than a robust reality. This is unfortunate because ISL mining is a matter of critical importance to the communities in the arid Intermountain West where this it is currently proposed that this form of mining be employed. In addition, ISL mining is proposed in a number of areas that are located within the exterior boundaries or proximate to American Indian nations, with whom the United States government has or should have a special relationship of trust and in particular in areas which have already suffered unremedied environmental harm because of early adventures in uranium mining. Given the history of uranium mining in areas like the northwest corner of New Mexico and the importance of this issue to the people who live here, your failure to provide better notice of your proposed hearings, your failure to bring the hearings into the communities most likely to be directly affected and your failure to deal directly with American Indian governments on this issue shows a serious insensitivity to community concerns and to the minimum standards of community participation this issue deserves.

With this said, I want to also address deficiencies in the process of ISL mining as you described it at the Albuquerque hearing and the serious risks which this process poses for Northwestern New Mexico and other parts of the Four Corners area that are in any way connected to the aquifers that would be affected by this process. As I related at the hearing, I have previously learned of permanent damage to water quality caused by the Church Rock uranium spill. To my dismay, I found that no federal agency would take responsibility to try to make the people affected by this spill whole. Instead, agencies like the Indian Health Service and the Bureau of Indian Affairs described their responsibilities in minimalist terms. As an example, the Indian Health Service had to dig artesian wells for Navajo families moved to the New Lands relocation area because the water was contaminated by uranium. However, HIS representatives felt no responsibility to provide safe water to the public school children from the New Lands would attend or even to inform the school district superintendent that the water to the school was contaminated.

I have to believe that any breach of the containment system by an ISL mine would be treated in the same way. It would not be the responsibility of the NRC to bring safe water to a community whose water supply was contaminated by a breach of ISL containment. It would not be the responsibility of the Indian Health Service or Public

Health Service. The Superfund would never get to it. The company involved could evolve into another corporation and avoid its responsibilities. In short, you are looking to find a fast track for approving a mining technology which places at risk the most precious asset we have in the Intermountain West – our groundwater.

I will admit that I do not believe that ISL mining of uranium is a safe technology and I do not believe it should be undertaken any place in our region. However, if you feel there is some place for this technology, you have a legal, professional, ethical and social justice obligation to look individually at each site where an application is submitted for an ISL uranium mining permit. You should not do any of the work of assessing the environmental impact on an overall, generic basis. It is essential that you look at each site from the ground up, with no preconceptions embedded into your process by the categories already established in some generic review. You need to look at the unique circumstances of the land, water and people affected, including their prior experience of harm caused in the exploitation of uranium mining and milling.

You also need to look very realistically at the nature and number of employment opportunities that would actually be created in the case of each proposed mine. In a cost/benefit analysis, it is essential to evaluate the full impact of an ISL mining project on the community, including impact on land and water and job creation for the workforce that actually exists in that area.

For all these reasons I urge you to withdraw your plans for the development of GENERIC environmental impact statement for in situ leach mining of uranium and, instead, to undertake a process by which each and every application will be subject to a complete, thorough environmental impact statement. In that process, I strongly urge you to consider the environmental justice issues that arise with each application. In the course of reviewing each individual application it is also essential that you conduct one or more hearings in the communities directly affected by the application. In sum, you need to redesign your process for soliciting public comment to make it more democratic, more sensitive to the cultural groups who are most likely to be affected by ISL uranium mining operations and more incorporative of environmental justice issues.

Sincerely,

Rosemary Ann Blanchard

Rosemary Ann Blanchard, J.D., Ph.D.
Associate Professor of Education
California State University Sacramento
(part time resident of New Mexico)
rblnchrd@csus.edu