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

Re: Uranium Recovery GEIS

Dear Chief of the Rules Review and Directives Branch:

I represent two organizations for these comments, and their identity and interests are as follows:

The National Indian Youth Council (NIYC) is the second-oldest national Indian organization in the United States. It was founded in Gallup, New Mexico in 1961, and it has thousands of members throughout the country. It has taken a leadership role in environmental protection, filing suits for Indian communities that were opposed to the strip mining of coal and the mining and milling of uranium. Its primary goal as an organization is to assure the survival of Indian people.

The NIYC's priority areas include freedom of religion, Indian political participation, the protection of Indian voting rights, public education, international initiatives (including the position taken in this letter), and job training and placement.

The second group is The Forgotten People. It is an ad hoc organization located in the Navajo Nation, formerly known as "The Forgotten People of the Bennett Freeze Community," made up of and representing the interests of individuals who were relocated from the former Hopi Partitioned Lands and Navajo Partitioned Lands when the United States violated the human rights of Navajos and Hopis by relocating them. There are also individuals who continue to live in partitioned lands whose interests are represented by this organization. Another issue is remedying arrested development from the Bennett Freeze. The Forgotten People have been particularly adversely impacted by a series of environmental injustices, including those related to uranium development in the Southwest National Sacrifice Area.

The Forgotten People has a particular interest in environmental justice issues. They include this issue, threats to the Coconino and Navajo Aquifers, the re-opening of the Black Mesa Mine in

Arizona, and the proposed Desert Rock Power Plant in New Mexico. The interests and voice of the people of the Land is being ignored on all those issues.

This submission is in response to the "Notice of Intent to Prepare a Generic Environmental Impact Statement for Uranium Milling Facilities" published in the Tuesday, July 24, 2007 edition of the Federal Register. This letter urges adoption of the "no action" alternative to ban building or licensing potential uranium milling facilities or, alternatively, the "alternatives" option to consider other options. The reason for those recommendations is that the "generic" environmental impact statement that is proposed violates Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The concept of environmental justice is sufficiently broad in the literature to include violations of the international customary rights of Indigenous Peoples, including those stated in the Declaration on the Rights of Indigenous Peoples.

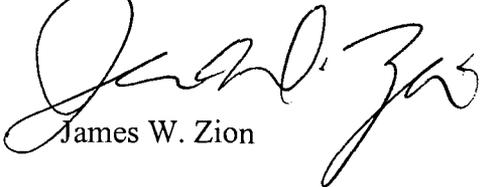
The executive order, issued on February 11, 1994, requires all federal agencies to "make achieving environmental justice part of its mission" by "identifying and addressing ... disproportionately high and adverse human health or environmental effects of" programs, policies and activities. Order at § 1-101 (Agency Responsibilities). All federal programs are required to conduct their "programs, policies, and activities" that may "substantially affect human health or the environment" in a manner ("way") that "ensures" that those activities do not exclude persons from participation in the given project or subject them to discrimination. *Id.* § 2-2. The Executive Order specifically applies to activities in Indian Country and to aggregations of American Indians as "populations" under § 2-2.

The Executive Order, as applied to this issue, requires that there must be a particularized examination of the impact of uranium milling facilities in any given portion of Indian Country, or near Indian Country, to prevent the harm identified in the order and to assure maximum participation by the individuals who will be affected by the given activity. They have rights to traditional property that are often ignored, and they are seldom permitted to adequately voice their the need to protect their traditional lifestyles. Such differ from community to community and required individual attention and opportunities for participation in decision-making.

In addition, assuring environmental justice includes not only the health and environmental impacts of a given initiative, and inclusion of people affected by it, but due consideration of the rights of affected indigenous groups under international law, adverse impacts on indigenous lifestyles and economies, and other disruptions of existing indigenous property and cultural practices.

Accordingly, these organizations oppose the preparation of any generic environmental impact statement for uranium milling facilities. I also request notice of future initiatives on this issue.

Sincerely,



James W. Zion