

NRCREP - Uranium Recovery GEIS

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Subject: Uranium Recovery GEIS

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Navajo Nation Environmental Protection Agency
Waste Regulatory Compliance Department

August 8, 2007
updated September 27, 2007

Comments (SBE revisions)
Proposed Generic Environmental Impact Statement
to Develop Uranium Recovery Operations, Including In-Situ Leach (ISL)
Recovery Facilities and Conventional Mills

VERBAL PRESENTATION/COMMENTS

NEPA requires meaningful public involvement, especially for individuals and communities who may be directly and indirectly impacted by a proposed action. It is my hope that the result of this Scoping Process is the realization that the No Action Alternative is the preferred alternative, i.e. "The no-action alternative would be to not build nor license potential uranium milling facilities. Under this alternative the NRC would not approve future license applications."

The proposed GEIS will encompass several western States, because NRC anticipates a substantial number of proposed ISL mining and milling applications to develop uranium resources within these States.

NRC shall not assume that conditions are the same or similar in all western States where past, current or proposed ISL mining and milling developments are occurring or likely to occur.

NRC's proposed GEIS shall not limit meaningful public participation, nor limit the ability to identify significant issues, nor limit the analysis of direct, indirect and cumulative effects. The proposed GEIS shall not increase the likelihood that a private individual or developer forego the process of a site-specific environmental review and documentation for a proposed ISL mining and milling license application.

A GEIS potentially shortens the NEPA process and implies that local government decisions and authorities that limit or prohibit ISL mining and milling will not be acknowledged or considered by the NRC. An important land use law that should not be overlooked or deemed unimportant is the Navajo Nation's Diné Natural Resources Protection Act of 2005, which prohibits uranium developments.

The Navajo government respectfully submits that there is no other political/geographical area in the United States, and perhaps the world, that has suffered and continues to suffer from the environmental impacts of past uranium mining and processing to the same extent as the Navajo Nation.

There is no guarantee that the proposed GEIS will improve NRC's efficiency. In addition, there is no guarantee that NRC will respond adequately to environmental consequences of new uranium development, which has the potential to adversely impact human health and the environment. Therefore, the Navajo Nation respectfully requests the NRC to provide

the Nation with any examples of aquifers utilized for ISL mining, where the post-ISL mining condition of the aquifer is as good as the pre-ISL mining conditions.

Conclusion

The uranium legacy on the Navajo Nation goes back approximately 90 years. The legacy consists of approximately 1,349 abandoned uranium mines, four former uranium mill tailings processing facilities (UMTRCA sites), and two known ISL pilot projects located on fee lands surrounded by Navajo Nation trust land. Together these sites are the sources of known and potential hazardous substances releases. Today, more than one-third of the 110 Navajo communities and a growing population of young and elderly are living with varied and significant health impacts from past uranium development.

In the 1980s, the Navajo Nation began conducting radiological surveys of the abandoned uranium mines, waste ore piles, uranium mill tailings sites, transfer and haul roads, and homes that were constructed of waste uranium ore material. In 1993, the Navajo Nation testified in hearings before Congress and requested assistance to assess and mitigate adverse environmental and human health impacts attributed to historical uranium mining and milling activities. Since then, the U.S. Government's response has been sporadic, while the Navajo Nation's efforts have resulted in the identification of additional contaminated sites (e.g., sites at Pinedale, New Mexico, Tuba City, Arizona and Mexican Hat, Utah), which have yet to be addressed.

The Navajo Nation also determined that the NRC and the Atomic Energy Commission (AEC) approved waste management practices (i.e., the disposal of mill tailings into two mineshafts at Northeast Church Rock Mine at Pinedale, NM), which pose potential adverse impacts to ground water resources. Although NRC's decision may have been coordinated with state agencies in New Mexico, there is no available documentation to indicate that NRC formally consulted with the Navajo Nation on a government-to-government basis. Formal consultations were also lacking with AEC's decision to exclude mill waste (for proper disposal), which was discovered by the Navajo Nation on adjacent "vicinity" property at the former Rare Metals of America Uranium Mill Tailings Facility near Tuba City, AZ.

The U.S. Government has yet to completely verify, assess or mitigate on-going hazardous substances releases throughout the Navajo Nation from the last wave of uranium development. How is it possible that the NRC's proposed GEIS appropriately address all these impacts sufficiently to justify issuance of future licenses for renewed uranium development?

How would NRC's proposed GEIS appropriately address abandoned uranium mining and milling impacts within adjacent state jurisdictions? The states of Arizona, Utah and New Mexico have not formally proposed an agreeable approach to assess and mitigate hazardous substances releases from state lands that adversely impact the Navajo Nation.

How will NRC's proposed GEIS acknowledge, assess, and mitigate the unique history of the Navajo Nation's uranium legacy? Our current conditions and impacts from the last wave of uranium development are neither well understood nor predictable.

What assurance do we have that new uranium development will not adversely impact human health and the environment on the Navajo Nation? How will NRC's proposed GEIS address potential cumulative impacts, which may include impacts from both past and new uranium development activities?

Renewed interest in uranium resources is driven by current uranium prices, and NRC is proposing to expedite the NEPA process with a GEIS, which has the likely potential to exacerbate existing and devastating conditions on the Navajo Nation.

Formal consultation and the proposed GEIS must acknowledge the existing impacts to the Navajo people from past uranium development, and current Navajo law, which prohibits new uranium development until the legacy of adverse and devastating impacts, have been completely addressed by the U.S. Government.

END.



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Joe Shirley, Jr.
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COMMENTS SUBMITTED November 30, 2007 VIA EMAIL

The Navajo Nation Environmental Protection Agency (NNEPA) Office of Environmental Review has concerns and issues and forwarding the following comments on the Generic Environmental Impact Statement (GEIS) to develop uranium recovery operations such as in-situ leach (ISL), recovery facilities and conventional mills.

COMMENTS:

1. Thank you to the U.S. Nuclear Recovery Commission (NRC) for conducting a scoping hearing on the proposed GEIS in Gallup, New Mexico however a week advance notice of the hearing would provided a better public outcome.
2. The land (nationally and globally) differs in geology, topography, soils, vegetation, wildlife, land use, etc., therefore a Generic EIS to be developed for ISL, recovery facilities and conventional mills for the US would not reduce the time to prepare and review proposed ISL associated activities. Instead the GEIS, would most likely overlook the local, tribal and state environmental laws and regulations, limit the public expressing the environmental and health impacts and the GEIS would "act" as a blanket cover for all ISL activities.
3. NRC should be looking into hiring more review staff to meet the needs of the reviewing environmental documents.
4. Consequently, what will happen to the existing uranium environmental damages that are now occurring especially on the Navajo Nation? Before any new ISL associated activities are approved or any applications are submitted, NRC should research and require a cleanup on previous contamination.
5. To this day, our Navajo Nation community members, land, water and culture still continue to suffer due to daily exposure to the past uranium mining activities.
6. Waste left behind by the past uranium mining should be cleaned by removing contaminants to reduce future cumulative impacts before NRC continues with the GEIS proposal.
7. NRC should also research and develop stringent standards for uranium mining especially for the limited natural resources in the Western states.
8. Radioactive waste and open dumps on current and existing need to be cleaned up before moving on with this GEIS – NM, Tuba City, Monument Valley, Mexican Hat, UT.
9. UMTRA law in 1978 needs to be revised and updated.
10. Open dumps and radioactive waste a threat to primary drinking source especially to the Navajo aquifer; if contaminated, will US Gov NRC provide safe drinking water to the communities?
11. Existing mine areas continuously impacts the ground water, surface water, environmental

- justice, geology. GEIS will allow a break for uranium corporations to not prepare environmental assessments and environmental impact statements and which GEIS may lose track of all ISL activities.
12. During the scoping hearing in Albuquerque, New Mexico, a University of New Mexico chemistry professor informed the audience that he had information on areas where water was restored. NNEPA would like the information in the areas where and how the water was restored after the uranium mining activities.
 13. NRC should promote tribal consultation for each application as required of 24 CFR part 58 and the National Environmental Policy Act of 1969 and under the Executive Order 3206.
 14. The GEIS will omit the need of each stakeholder review.
 15. The GEIS is a shortcut that will overlook important environmental concerns for each stakeholder.
 16. "Less surface disturbance" – power; pipelines; access roads; ROW; facilities establishment; all these activities associated with any projects will be overlooked with the GEIS.
 17. Why is NRC considering GEIS? If it is to reduce the time to prepare and review site/project specific EAs/EISs – show us graph of how many of these documents been reviewed, pending and approvals.
 18. Although the GEIS is prepared for a site, the same issues/concerns will be discuss in the site specific EIS, wouldn't that will double the time and be redundant.

If there are any questions, you may contact Rita Whitehorse-Larsen at 928/871-7188. Thank you.