

NRCREP - Uranium Recovery GEIS

From: "Sharyn Cunningham" <sharyn@bresnan.net>
To: <urlgeis@nrc.gov>
Date: 12/01/2007 1:59 AM
Subject: Uranium Recovery GEIS
CC: <nrcprep@nrc.gov>

Attached please find our public comment on the Uranium Recovery GEIS. If you have any questions, please contact me by reply e-mail or:

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11/1/07
72FR 61912

(5)

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FRIDS = ADM-03
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Mail Envelope Properties (47510648.DE2 : 3 : 44514)

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Creation Date Sat, Dec 1, 2007 1:58 AM
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Files	Size	Date & Time
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TEXT.htm	802	
CCAT Comment on NRC GEIS 11-30-07.pdf	28657	
Mime.822	42377	

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November 30, 2007

Chief, Rules Review and Directives Branch,
Mail Stop T-6 D59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Via email: urigeis@nrc.gov

Re: Uranium Recovery GEIS Comment

Dear Chief:

The following is a response to the U.S. Nuclear Regulatory Commission's *Notice of Intent to Prepare a Generic Environmental Impact Statement for Uranium Milling Facilities* (72 Fed. Reg. 61912, Nov. 1, 2007).

Colorado Citizens Against ToxicWaste, Inc. (CCAT) is a local, grassroots organization formed in 2002 because of concerns about environmental contamination and negative socioeconomic impact from operations at a uranium recovery facility on the outskirts of Canon City, Colorado.

We are writing to oppose the Generic Environmental Impact Statement (GEIS) being proposed to expedite the In-Situ Leach (ISL) uranium recovery licensing process. We request that the NRC stop the current scoping process, as a Generic analysis of unknown ISL sites is impossible to perform. Additional site-specific Environmental Assessments (EA) would not guarantee public input in the decision making process, nor adequately evaluate the impact as required by the National Environmental Protection Act (NEPA). We oppose the GEIS for the following reasons, and offer some specific information from our local experience.

I. The proposed GEIS will directly impact our community, yet our ability to participate in the scoping meetings was limited. Our future ability to participate in the licensing process is not guaranteed by site-specific EAs if this proposal is also adopted by the State of Colorado regulators:

1. Our area, Fremont County, Colorado, has seen a flurry of activity over the last year from Canadian and Australian uranium exploration and mining companies acquiring leases. A foreign company is now drilling approximately 30 miles from Canon City, CO, and upgradient of the Arkansas River. This company has reported that it intends to use ISL mining. The areas targeted in Fremont County are already riddled with old uranium mines that were never reclaimed, polluting the surrounding environment. Further, the areas of mining interest were once vast ranches that have been developed into individual home sites of 20 and 40 acres

over the last two decades. Hence, ISL mining is being proposed in a populated and growing area of Colorado.

2. Scoping meetings for the GEIS were not held in Colorado, nor was our community directly notified of this proposed action, thus limiting the ability for us to participate. Though Colorado is an Agreement State, federal actions taken by the NRC directly impact our State, and especially Fremont County and Canon City. The Colorado Department of Public Health and Environment (CDPHE) must follow NRC regulations, and often follows NRC guidance. If NRC authorizes the use of a GEIS in licensing ISL operations, then Colorado could adopt the same practice in issuing uranium recovery permits or licenses for ISL operations. Public scoping meetings on this proposed action should have been held in Colorado, and any areas where ISL mining is being considered.

3. Fremont County (and Canon City) is the home of the Cotter Uranium Mill, affiliate of General Atomics, one of only two operating mills in the U.S. The city limits of Canon City border Cotter's mill site that is currently in Stand Down status, and that has been plagued with violations over the last six years. Thousands of people live inside a 2-mi radius of the mill. Proximity to a population would prohibit approval of a new mill at this location today. At a recent Community Advisory Group meeting in Canon City, CDPHE explained that the Cotter Mill could be used for the last stage of uranium recovery in the ISL process, after it leaves the mine site, threatening further contamination. The mill and surrounding area have been a Superfund Site since 1984 because of mill operations.

II. The proposed GEIS is vague. It is difficult for the average citizen to understand exactly how all, if any, of the resource areas listed for potential analysis could be evaluated for future, unknown ISL site licensing. NRC did not list exactly what resources could actually be analyzed in advance and applied generically to all applicants, which makes it very difficult to even comment. It is further vague as to what guarantees there are of public notice and participation in site-specific licensing processes beyond the GEIS.

1. At present, there are approximately fourteen states with old uranium recovery sites, stretching from the State of Washington to the Dakotas, and then south to Arizona, New Mexico, and Texas. Old sites are being explored in this latest uranium rush. Geology, hydrology, weather, socioeconomic, and transportation infrastructure conditions vary dramatically over this vast area of the U.S. Due to this diversity, none of the listed resource areas could possibly be evaluated in advance and applied generically to all applicants.

2. If a GEIS is applied to all future ISL license applications, there is no process explaining how the public would be aware of applications in general, nor of those needing further site-specific studies.

III. Water is the most precious resource we have, especially in the arid western States. The Rocky Mountain States, which are a source of water for the eastern and western parts of

this country, are especially in need of careful attention given to any process or practice that can potentially impact ground and surface water.

1. A GEIS could not possibly anticipate ISL impact to aquifers, rivers, and wells over multiple state areas. The Cotter Mill and CDPHE have been studying the geology and hydrology of this Superfund Site for decades. To date, they cannot with certainty state exactly where the contaminated groundwater is traveling, at what rate, or predict when the Superfund Site groundwater will be cleaned to current EPA standards. It would be difficult to predict the impact of ISL to a specific site, let alone to unknown sites covered by a GEIS.

2. In Colorado, water wars have been escalating, with our large cities reaching into the far corners of the State, searching for water rights. The southeast and Georgia's current water shortage disaster due to drought should be warning enough to not short-circuit the environmental studies necessary to protect our water resources.

3. Current climate change does not support the notion that we can make long-term predictions for the availability of water. A couple of years ago, due to a several year drought, Canon City and the surrounding area came very close to having our right to draw water from the Arkansas River curtailed. If that should happen again, private wells near the Cotter Mill might be needed for domestic use, which is discouraged at this time. We cannot afford any further contamination of our groundwater. A full EIS would be necessary for an ISL operation that proposes using the Cotter Mill for final recovery of uranium or waste that might be proposed as alternate feed material for the mill. The health, environmental, social, and economic impact of mill operations related to ISL mining should be part of that study, and an EA would not be sufficient.

4. Research reveals it is difficult to guarantee containment of contamination at ISL sites, as records show that excursions are not rare. To the best of our knowledge, no underground water contaminated by ISL operations has ever been restored to actual pre-mining conditions without someone lowering the bar of standards. A GEIS could not possibly study the impact to groundwater in a way that would be true for all future applications in all areas, nor could it insure that all sites could be restored to pre-mining conditions.

IV. We object to a GEIS for ISL mining on the grounds that it appears its sole purpose is to fast-track procedures and cut costs for the uranium recovery industry and the NRC by circumventing and crippling the protection and public participation provided by the National Environmental Protection Act (NEPA).

1. The people of this area have asked, "Why the rush – why the hurry?" We have heard arguments, that China and India are planning many new reactors, and that new reactors are being proposed for the U.S., and that uranium will be in demand and supplies short. The truth of the matter is that it will be many years before any of these reactors are built and operating, and there are several other countries with much larger quantities of higher grade uranium than found in most parts of the U.S.

2. There is no reason to risk taking short-cuts studying environmental impact because a large number of ISL applications are anticipated. Would airports suspend inspecting baggage during the Christmas holiday, because there are too many passengers? No, they wouldn't, because one mistake could guarantee loss of life and suffering. The effects of ISL mining will be with us forever, long after the last train or truck pulls out with its load of yellowcake.

3. An environmental impact analysis per NEPA cannot be applied across the board as is being proposed with a GEIS in order to lessen the burden on the uranium recovery industry, nor because the NRC has limited resources. The recent problem with Chinese imports has driven home to Americans the point that cutting costs in manufacturing results in inferior products that can be deadly. The same logic should be applied in this instance. Environmental analysis must be site-specific and not cut short, because the differences (environmentally and socially) across the board in every area where ISL mining may occur are immense.

In conclusion, again, we request that the NRC stop the current scoping process, as a Generic analysis of unknown ISL sites is impossible to perform while adhering to NEPA. Additional site-specific EAs would not guarantee public input in the decision making process, nor adequately evaluate the impact as required by NEPA. The history of environmental contamination strewn across the U.S. from uranium recovery is certainly enough to warrant careful review of each site proposed for ISL mining.

Thank you for this opportunity to comment, and please keep our organization and community informed on the GEIS proposal.

Sincerely,

Sharyn Cunningham
CCAT Co-Chair