# STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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of Public Health
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RULES AND DIRECTIVES
BRANCH
USNRC

Chief, Rulemaking, Directives, and Editing Branch
Mail Stop T-6D59
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Uranium Recovery GEIS

Dear Sir or Madam:

The State of Colorado has substantial uranium reserves that can be developed, and has a long history and experience with uranium recovery. Some of its reserves are amenable to in-situ recovery; others require conventional mining and milling. It is important to the people of Colorado that these resources be developed in a safe and responsible manner. This letter is written to provide comment by the State of Colorado on the scoping process for the development of a Generic Environmental Impact Statement (GEIS) for uranium recovery.

As an Agreement State for uranium recovery, Colorado recognizes that the document will not apply directly to Colorado regulation of uranium recovery activities. If done properly, however, we believe that the guidance offered by such an analysis will benefit both the state and our licensees. It is critical that the GEIS effort does not in any way limit the opportunity for public involvement in future United States Nuclear Regulatory Commission or Agreement State uranium recovery licensing processes or decisions. We support the development of a useful GEIS document that has the potential to facilitate both the application and review processes for development of uranium recovery facilities. If not performed properly, it also has the potential to skew the review process and compromise the necessary environmental and public health considerations.

As a state with both conventional milling and potential in-situ operations, we feel that a separate GEIS document should be developed for in-situ uranium recovery, as it was not addressed in the original GEIS (*Final Generic Environmental Impact Statement on Uranium Milling*, September 1980, U.S. Nuclear Regulatory Commission, NUREG-0706). The existing GEIS for conventional uranium milling is outdated, based on an outdated public dose limit of 500 millirem year, and does not address alternate feed and direct disposal considerations, as noted by the U.S. Environmental Protection Agency and others.

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We offer several comments on the scope and structure of the GEIS document listed below.

1. There should be no abridgement of environmental standards for air, water, soil, or waste. The State of Colorado has standards for these media and will continue to enforce them.

2. Many of the assumptions in the original GEIS are no longer applicable, particularly those related to social and economic considerations. Statements that the mills are typically in areas of low population density and that they typically process ores from mines within thirty miles are clearly out of date and unrealistic, and require reconsideration in the GEIS. For example, one of the two active conventional mills the nation, the Cotter Corporation milling facility in Canon City, CO, takes ore from as far as 250 miles away. In addition, the PowerTech in-situ proposals for South Dakota and Colorado envision transporting pregnant resins to Wyoming for processing.

3. A clear description of the situations to which the various impact analyses apply is necessary. For example, using sulphuric acid as a lixiviant presents different impacts and different aquifer restoration challenges than the use of hydrogen peroxide. Also, different population densities may exist within the project area that will impact potential risks. The recent approach of the NRC to reclassify many materials as Type 2 byproduct material has expanded the nature of materials potentially disposed in uranium mill impoundments, as has the acceptance of alternate feed materials that are significantly different from traditional uranium ore.

4. The GEIS(s) must be very specific on which environmental impacts are being evaluated generically and which require detailed site-specific evaluation. Topics that will most likely be evaluated on a site-specific basis include at a minimum hydrology, transportation and local socio-economic impacts.

The State of Colorado welcomes this opportunity to comment on the GEIS scoping process and we look forward to reviewing the draft document. If you have any questions, please call Steve Tarlton at (303) 692-3423.

Sincerely,

Martha E. Rudolph
Director of Environmental Programs
Colorado Department of Public Health and Environment

CC: Jerry Goad, Colorado AGO