

PUBLIC SUBMISSION

As of: January 15, 2013
Received: January 07, 2013
Status: Pending_Post
Tracking No. 1jx-82zc-m873
Comments Due: January 10, 2013
Submission Type: Web

Docket: NRC-2012-0277

Supplemental Environmental Impact Statement for Proposed Dewey-Burdock In-Situ Uranium Recovery Project

Comment On: NRC-2012-0277-0001

Supplemental Environmental Impact Statement for Proposed Dewey-Burdock In-Situ Uranium Recovery Project in Custer and Fall River Counties, SD

Document: NRC-2012-0277-DRAFT-0060

Comment on FR Doc # 2012-28425

1/26/2012
77 FR 70486

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RULES AND DIRECTIVES
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General Comment

See attached file(s)

Attachments

MASE comments on the Dewey-Burdock Mine

SUNSI Review Complete
Template = ADM - 013

E-RIDS= ADM-03

Add= H.YILMA (hxy1)



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January 7, 2012

Cindy Bladey, Chief, Rules, Announcements and Directives Branch
Division of Administrative Services
Office of Administration, Mailstop TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: Docket NRC-2012-0277; Comments on DSEIS for Dewey-Burdock Project

Submitted by: Multicultural Alliance for a Safe Environment (MASE)
Grants Mining District, NM

To Whom It May Concern:

As communities of northwestern New Mexico that have been devastatingly impacted by uranium contamination, we are urging you to protect the people and communities that would be impacted by the proposed Dewey-Burdock Project and say no to the project. We have many concerns about the Dewey-Burdock Project outlined below.

Environmental Justice and Public Involvement

The proposed Dewey-Burdock Project is located on tribal lands in the Black Hills of South Dakota. The comments submitted by the Multicultural Alliance for a Safe Environment (MASE) are based on knowledge acquired from a similar history of contaminant legacy impacts within the Grants Mineral Belt in New Mexico. Lessons learned from impacted environmental justice communities that are destined to live with the long-term impacts of air, soil, and groundwater contamination from previous uranium developments can provide the Nuclear Regulatory Commission with guidance on future regulatory actions needed to protect the public health and safety. In this case, the applicant has not provided the public with enough information concerning air quality background and projected impacts from the project, impacts to local livestock, well field tests and operational plans, or emergency procedures for transportation accidents. Local public meetings should be held once all the necessary background information has been made available to the public in an accessible format.

Finally, the applicant should clearly identify the corporate licensee for this project and justify the need for this project in light of the current moratorium on the licensing of new nuclear power plants following the 2011 Fukushima nuclear disaster in Japan. *NUREG 1910*

Cumulative Impacts

The DSEIS was issued before all relevant information was available for public review. As stated earlier, impacted members of the public who reside in these regional uranium districts have already been adversely impacted by legacy air, soil and groundwater contamination. Particular attention must be given to the protection of aquifers that will be used by the project proponent. Depletions of public water supplies, whether presently used now or in the future is a paramount concern. The uranium industry has already spawned adverse legacy impacts to regional aquifers in both the Black Hills of South Dakota and Grants Mineral Belt in New Mexico. The long-term



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water quality impacts need to be independently addressed for all contaminants of concern, including uranium and other radioactive trace metals. Residents, communities, and municipal water suppliers within these mineral districts will be adversely impacted by increased drilling and supply costs if additional groundwater depletions and contamination result from this project. We have already experienced the degradation of ambient air, soil, and public water supplies that occurs when alternative contaminant levels are adopted because the project owners and regulators cannot meet the current air, hazmat, or water quality standards.

A cumulative impacts analysis is required to consider whether further additional impacts, no matter how slight, will tip the balance toward wholesale pollution of the public water resources in this region. Under the National Environmental Policy Act guidance promulgated by the Council on Environmental Quality, the environmental impacts of this project must be added to other past, present and reasonably foreseeable activities in the region. *40 CFR 1508.7, NUREG 1748* These activities could include oil, gas, and coal developments. In addition, destroyed resources from other projects within the Mineral District, short and long-term socio-economic impacts, and environmental justice impacts must be considered. Public hearings must be conducted to acquire this information from interested members of the public.

Background data that is representative of the region should be collected from the site and other representative areas that are not subject to historic legacy impacts. Allowing the project proponent to heap additional adverse impacts on an area that remains subject to legacy contamination of any kind places a disproportionate adverse impact on the region's environmental justice communities.

Financial Assurances

An adequate financial assurance analysis should be performed that lists all sources of data. Consultation with affected environmental justice communities in the Black Hills and other uranium districts throughout the United States, and US Environmental Protection Agency (EPA) could assist with the required analysis. EPA Regions 6 and 9 have recently assessed uranium mining and milling legacy contamination in two mineral districts of the southwestern United States.

Cultural Resources

The project proponent should identify all areas with potential cultural impacts. Further identification of all cultural, historical, and paleontological resources, along appropriate mitigation measures, must also comply with Section 106 of the National Historic Preservation Act. Memoranda of Agreement may be required with the affiliated tribes for the mitigation of cultural impacts. Consultations with both state and tribal Historic Preservation Offices should be conducted so that consistency is maintained.

The SEIS does not discuss the cultural importance of the Black Hills to the Sioux, Cheyenne and Arapaho Nations, or the impact of an 1868 treaty between these tribal nations and the United States on cultural, land, and water resources in the Black Hills. The 1868 Fort Laramie Treaty, the United States Constitution, and principles of international law (*United Nations Declaration on the Rights of Indigenous Peoples*) require the free, prior, and informed consent of the tribal nation signatories to the 1868 Fort Laramie Treaty before this project can be licensed.



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Threatened or Endangered Species

Endangered Species Act consultations must also take place with state and federal (Fish and Wildlife Service) agencies to identify all federal and state listings that may be adversely impacted by the project, such as bald eagles, sage-grouse, whooping cranes, and black-footed ferrets. Tribal agencies could also be consulted to identify species of concern.

Emergency Management

Emergency management measures to protect the public health and safety should be clearly developed by the project proponent. These include identification of all reasonably foreseeable accidents which might result in the release of radioactive source material. NUREG 1748 Wildfires and high velocity flash flooding are common seasonal occurrences in the Black Hills.

An adequate analysis of transportation impacts for both radiological and non-radiological accidents along the proposed transportation route for the finished uranium product must be performed on behalf of all members of the public that will be subject to involuntary exposure along the transportation route.

Groundwater Impacts

In order to identify possible ground and surface water contaminants of concern, as well as potential excursions from the project site, the project proponent should disclose all chemicals used, their geo-chemical and radiologic characteristics, and expected impacts to the geochemical and radiological balance of the affected aquifers, both short and long-term. A mass balance analysis should also be performed to assess the total volume of lixiviant mixture which will be injected into each aquifer to extract the uranium, the volume of water and lixiviant removed from each aquifer following the induced chemical reactions, and the volume of treated wastewater which will be re-injected into an aquifer or discharged on the surface.

In addition, a characterization of each affected aquifer following the *in situ* leaching process should be performed to assess how each aquifer will be affected. MASE is concerned that uranium and other radiological and non-radiological minerals mobilized by the recovery process will remain mobile, thereby increasing the probability that they will migrate to other aquifers beyond the project site.

Monitoring plans for all affected aquifers and ponds should be made available for public review and comment. All monitoring efforts need to extend beyond the project closure date.

Storm Water Management

The size and location of all contributing drainages within the project area should be mapped for the public stakeholders. All proposed and existing facilities and holding ponds should be located on the maps. Public meetings to review this information should be held to receive input from local governments and regulatory agencies, members of the public, and other concerned stakeholders.

Planning for extreme weather events, including storm water management plans, due to global climate changes should be presented and discussed at the public meetings.



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Zombie Mining Projects

The applicant's lack of experience with *in situ* leach mining and management of related environmental impacts could lead to a rapid startup of operations that later become intermittent due to financial shortfalls in a weak economy. The likelihood that this scenario could occur merits scrutiny of the applicant's financial stability in order to protect the public from another "zombie" mining operation whose owner is financially unable to continue operations on a continuous basis or pay for reclamation and necessary mitigation measures to safeguard the public health and welfare. We can no longer afford to bail out more failed projects for the nuclear industry – the additional burden on the federal budget and taxpayers is simply too great.

Thank you for addressing our concerns and protecting the communities that would be impacted.

Sincerely,

Nadine Padilla
On behalf of the
Multicultural Alliance for a Safe Environment
www.masecoalition.org