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# PUBLIC SUBMISSION

**Docket:** NRC-2021-0137

Systematic Assessment for how the NRC Addresses Environmental Justice in its Programs, Policies, and Activities

**Comment On:** NRC-2021-0137-0001

Systematic Assessment for How the NRC Addresses Environmental Justice in Its Programs, Policies, and Activities

**Document:** NRC-2021-0137-DRAFT-2293

Comment on FR Doc # 2021-14673

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## Submitter Information

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**Organization:** Wyoming Mining Association

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## General Comment

See attached file(s)

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## Attachments

121029 WMA\_NRC RE Environmental Justice



# WYOMING MINING ASSOCIATION

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October 26, 2021

Office of Administration  
Mail Stop: TWFN-7-A60M  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001,  
ATTN: Program Management, Announcements and Editing Staff

**Subject: Wyoming Mining Association's (WMA's) Comments on the *Systematic Assessment for How the NRC Addresses Environmental Justice in Its Programs, Policies, and Activities* - NRC-NRC-2021-0137 Federal Register/Volume 86, Number 129/ Friday, July 9, 2021/Notices.**

Gentlemen:

The Wyoming Mining Association (WMA) is an industry association representing mining companies, contractors, vendors, suppliers and consultants in the State of Wyoming. Among its mining industry members are uranium recovery licensees, including conventional and in-situ uranium recovery operators, several companies planning new uranium recovery operations and several companies conducting final reclamation/groundwater restoration operations.

Wyoming is one of the leading uranium resource states in our country, however current production statistics cannot be provided since total uranium concentrate production in the United States for 2020 is unavailable.

The Energy Information Agency (EIA) could not publicly release data for U.S. production of uranium concentrate (U3O8) in the first quarter of 2021 stating, "*Domestic uranium production has declined considerably in recent years, and activity did not reach a threshold where a specific production figure could be published without violating the protections that EIA has committed to provide.*"

*During the first quarter of 2021, three U.S. uranium facilities produced uranium, three less than in the fourth quarter of 2020. This does not mean three facilities were actively operating and producing material during the quarter. It is a count of any facility that packaged material during the quarter though they may not be in active commercial (injecting solution and drying material) operation at the time.*"

**Source:** U.S. Energy Information Agency (EIA), Form EIA 851A Domestic Uranium Production Report - Annual and Form EIA 851Q Domestic Uranium Production Report - Quarterly  
<https://www.eia.gov/uranium/production/quarterly/>

With the above said, based upon prior years' production, it is estimated that Wyoming accounted for between 30 and 40 percent of the total uranium concentrate production in the United States. As such the *Systematic Assessment for How the NRC Addresses Environmental Justice in Its Programs, Policies, and Activities* is of interest to the Wyoming Mining Association (WMA). The following are the WMA's comments on the following two (2) specific questions in Section III of the Federal Register Notice (FRN) entitled *Requested Information and Comments*:

**What has the NRC historically done well, or currently does well that we could do more of or expand with respect to environmental justice in our programs, policies, and activities, including engagement efforts? In your view, what portions of the 2004 Policy Statement are effective?**

Generic Environmental Impact Statements (GEISs) are an excellent vehicle to address environmental justice since they are public documents that are subject to public input in the scoping process, published in draft form, noticed in the Federal Register and subject to public review and comment prior to finalization. For example,

[www.wyomingmining.org](http://www.wyomingmining.org)

*NUREG-1910 - Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities* was published in final form in May 2009. Scoping information (*Notice of Intent to Prepare a Generic Environmental Impact Statement for Uranium Milling Facilities*) for the document was initially published in the Federal Register on Tuesday, July 24, 2007 (Federal Register / Volume 72, Number 141 / Tuesday, July 24, 2007 / Notices). A draft document was prepared and a notice regarding a draft for review and comment (*Notice of Availability of Draft Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities*) was published in the Federal Register on Monday, July 28, 2008 (Federal Register / Volume 73, Number 145 / Monday, July 28, 2008 / Notices). The document was finalized in May 2009 with the final version *NUREG-1910 - Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities* being available on the Nuclear Regulatory Commission's (NRC's) web site at: <https://www.nrc.gov/reading-rm/doc-collections/nureqs/staff/sr1910/v1/index.html>.

This document is significant in that it clearly discusses environmental justice issues for the four (4) described processing regions (Wyoming West Uranium Milling Region, Wyoming East Uranium Milling Region, Nebraska-South Dakota-Wyoming Uranium Milling Region, and the Northwestern New Mexico Uranium Milling Region) that are under direct Federal jurisdiction by the Nuclear Regulatory Commission (NRC). In so doing, this document provides license applicants with an understanding upfront regarding environmental justice issues in the area in which they are applying for a license. The GEIS indicates whether there will be a need for an environmental justice analysis based on low-income and minority communities and also provides which resource impacts may fall disproportionately on minority and low-income communities. Overall, this document removes some uncertainty for the license applicants and enables a prospective licensee to make better business decisions.

Addressing environmental justice issues upfront in *NUREG-1910 - Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities* is clearly something that the Nuclear Regulatory Commission (NRC) has done well and should do more of regarding environmental justice across the nuclear fuel cycle.

The Association would also like to point out that the discussions of environmental justice regarding the four (4) Uranium Milling Regions in *NUREG-1910 - Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities* constitute a substantial body of work that should not be ignored and continue to be referenced and used in any environmental justice work going forward.

The 2004 Policy Statement is effective in the guidelines for implementation of NEPA as to Environmental Justice Issues. The policy statement identifies how environmental justice should be evaluated, including which NEPA actions require an environmental justice analysis, methods that should be used to define the geographic area for assessment, and the data that should be used to assess low-income and minority communities.

**Are there opportunities to expand consideration of environmental justice in NRC programs, policies, and activities, considering the agency's mission? If so, what are they?**

The Nuclear Regulatory Commission (NRC) should expand environmental justice considerations to include the nature of the operation under consideration, specifically whether it is "*geographically locked*" to a specific location. This is important for the uranium recovery industry since such facilities must be sited adjacent to the location of the uranium deposit. Uranium recovery operators do not have the luxury of siting their facilities where they choose, but rather the location of the facility is chosen for them by the location of the deposit.

Low-income and minority community benefits from a uranium recovery facility should be included in the environmental justice considerations. Most uranium recovery operations are located near rural communities with few high paying jobs, with many of them being phased out as the nation moves toward decarbonization. In Wyoming, many of the highest paying jobs in rural areas are in coal mining which is in decline leaving many individuals without work and without the skills required to work in other non-mining industries. Uranium recovery operations can provide on the job training in modern water treatment, safety, chemical processing, instrumentation, and construction technologies. Experience provided by working at uranium recovery operations can assist low-income and minority communities by allowing them to acquire new and more marketable skills. This should be considered in any environmental justice program.

Uranium recovery facilities can also provide a substantial economic boost to rural communities with few high paying jobs as well.

## Conclusions

In conclusion the WMA believes that:

- Generic Environmental Impact Statements (GEISs) are an ideal vehicle to broadly address environmental justice issues and simplify addressing environmental justice issues for specific license applications.
- *NUREG-1910 - Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities* addresses environmental justice issues for four (4) uranium producing regions providing applicants with region wide environmental justice information providing greater certainty in the license application process.
- In any further efforts regarding environmental justice the Nuclear Regulatory Commission (NRC) should use and reference environmental justice information already developed in NUREG-1910.
- In addressing environmental justice issues for uranium recovery facilities the following specific issues should be considered:
  - Uranium recovery facilities are “*geographically locked*” to a specific location since they must be located adjacent to the ore deposit.
  - Most uranium recovery operations are located by rural communities with few high paying jobs and they provide on the job training in modern water treatment, safety, chemical processing, instrumentation, and construction technologies which is of value to the community and its residents.
  - Uranium recovery facilities can also provide high paying jobs, creating a substantial economic boost to disadvantaged rural communities.

The Wyoming Mining Association appreciates the opportunity to comment on this *Systematic Assessment for How the NRC Addresses Environmental Justice in Its Programs, Policies, and Activities*. If you have any questions please do not hesitate to contact me.

Best regards,



Travis Deti  
Executive Director

CC: Katie Sweeney, National Mining Association