

**Natural Resources Defense Council * Physicians for Social Responsibility
Prairie Hills Audubon Society * Amigos Bravos * Sierra Club
Western Resource Advocates**

November 7, 2008

Via Electronic and First Class Mail

Chief, Rulemaking, Directives and Editing Branch
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, D.C.20555-0001
Electronic Mail: NRCREP.Resource@nrc.gov

RE: Comments on Uranium Recovery GEIS

Dear Sir/Madam:

On behalf of a combined membership of almost two million members, the Natural Resources Defense Council (NRDC), Physicians for Social Responsibility, Prairie Hills Audubon Society, Amigos Bravos, Sierra Club, and Western Resources Advocates write today to briefly comment on the Nuclear Regulatory Commission's (NRC) Draft Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities (hereinafter "Draft GEIS"). *See* 73 Fed. Reg. 43795 (July 28, 2008) for Notice of Availability of Draft GEIS. The undersigned respectfully urge the NRC to withdraw the Draft GEIS as the agency's actions fail to meet the requirements of the National Environmental Policy Act (NEPA) 42 U.S.C. § 4321 et seq. Please note that several other environmental groups, including NRDC, will be submitting more extensive comments in addition to this letter.

The proposed Draft GEIS fails the NRC's basic obligations under NEPA to take a "hard look" at the significant and complex environmental impacts associated with In-Situ Leach (ISL) uranium recovery. The NRC's responsibility to take a thorough, searching look at the impacts and at the alternatives available to avoid or mitigate those impacts rests at the heart of a federal agency's NEPA duties.

NRC and historical environmental records provide no basis for concluding that this Draft GEIS will be legally sufficient in identifying and characterizing the prospectively harmful impacts on public health and the environment posed by uranium recovery operations at specific sites. This Draft GEIS also neglects to consider all reasonable alternatives for avoiding, preventing, minimizing, and mitigating these harms.

The NRC has failed to define, or even prospectively identify, the specific licensing actions or sequence of connected licensing actions that would constitute a "major federal action" triggering the need for NEPA review. Simply positing that a number of license applications potentially will be filed, and then attempting in advance to streamline an

environmental review process (by means of a defective process supported by inadequate analysis) to speed processing of these anticipated applications, does not constitute a legitimate proposal for major federal action under NEPA. Streamlining the environmental review process before alternatives have been presented is inappropriate, and even more so when the environmental review that does take place--this Draft GEIS-- is deficient.

We suggest the agency return to the drawing board and commence work on:

- (a) A full analysis of the purpose and need for expanding domestic uranium recovery operations;
- (b) An environmental cost-economic benefit framework for assessing whether increased ISL mining of low-quality uranium deposits can make a significant contribution to meeting forecast U.S. uranium fuel requirements without imposing an unacceptable environmental burden;
- (c) An inter-agency assessment, with the other federal agencies that have related statutory responsibilities, of all reasonable alternatives to the expansion of domestic uranium recovery operations, including reliance on uranium imports primarily sourced from friendly nations such as Canada and Australia, and on the dilution of surplus DOE highly enriched uranium from nuclear arms reductions;
- (d) Addressing and identifying the extensive environmental damage from past uranium mining and milling practices;
- (e) Identifying scenic and protected areas and ecosystems that should be categorically protected from both the siting and off-site impacts of uranium recovery operations, based on their inherent values for outdoor recreation, wild lands conservation, wildlife habitat, agricultural uses, and human habitation;
- (e) Identifying current and applicable regulatory standards as they relate to management of the specific and serious environmental impacts from future uranium mining activities and as such;
- (f) Identifying any gaps or lack of coverage in statutory or regulatory authority to address and mitigate the environmental impacts of uranium recovery.

The Draft GEIS currently includes none of this.

As we stated at the outset of these comments, we respectfully urge the NRC to withdraw this Draft GEIS as the document fails to meet the requirements of NEPA, 42 U.S.C. § 4321 et seq. The harms inflicted by the uranium industry on communities and on the environment over the previous half-century are significant, and this initial analysis of a new age of uranium recovery would take the country down a similarly expensive and environmentally damaging road. We appreciate the opportunity to comment and if you have any questions, please do not hesitate to contact us.

Sincerely,

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