UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC SCOPING MEETING

ON THE

URANIUM RECOVERY

GENERIC ENVIRONMENTAL IMPACT STATEMENT (GEIS)

ALBUQUERQUE, NEW MEXICO

Thursday, August 9, 2007

Colorado Room

Hilton Albuquerque

1901 University Boulevard, Northeast

Albuquerque, New Mexico

The above-entitled meeting was conducted at 7:00 p.m.

BEFORE:

LANCE RAKOVAN, Facilitator

ALSO PRESENT:

On behalf of the NRC:

JEANETTE ARCE, Nuclear Safety Professional Development

ANDY CAMPBELL, Acting Deputy Director, Environmental Protection and Performance Assessment

JOAN OLMSTEAD, Office of General Counsel

GREG SUBER, Branch Chief, Environmental Review

BILL VON TILL, Branch Chief, Uranium Recovery

CAROL WALLS, Licensing Assistant

I N D E X

P R O C E E D I N G S

MR. RAKOVAN: Good evening. If everyone could, please find your seats. We're going to get started now.

(Pause.)

MR. RAKOVAN: Okay. Good evening. I'd like to welcome you all to NRC's public meeting to obtain comments on the scope of the Uranium Recovery Generic Environmental Impact Statement, or GEIS. Chances are you're going to hear that used a lot tonight. So if especially these guys sitting over here start saying, "GEIS," a lot, that's what it stands for: Generic Environmental Impact Statement.

My name is Lance Rakovan; I'm going to be facilitating tonight's meeting. By that, I mean I'm going to try to make sure that the meeting runs smoothly for everyone involved. It's a pleasure to be here tonight in New Mexico. The purpose of tonight's meeting is to provide you an opportunity to ask questions and provide comments on the scope of the Generic Environmental Impact Statements for uranium recovery licensing.

We are transcribing the meeting. We have our transcriptionist right here. I'm going to try to speak and I'm going to ask everyone else to when you speak use a microphone if you will, identify yourself and any group that you're with if it's the first time that you're speaking. We've got a couple mics in the aisles here that

we'll be using once we go to the comment portion, but please try to keep one person speaking at a time. And that way we can get a clear transcription of the meeting.

Right now, I'd like to go over the agenda. Hopefully, you picked up a copy of that in back. Basically, we're going to start out with a few quick presentations by NRC just to kind of orient you and give you some information on what the GEIS is. From there, we'll go to a comment and question and answer session.

I have a huge stack of people who have signed up to speak. I'm going to do my best to give everybody a chance, but, given the fact that I have over 30 people signed up, I'm going to ask that when I call you up here, if you could, try to keep your comments down to a few minutes. That will give everyone a chance to speak or at least get us as close as we can to that. But I can't guarantee that you're going to have a chance to speak.

Given the fact that we are here to receive your comments and we are here basically to listen, I'm going to try to move through things as quickly as possible, but we'll be going through the other ways that you can get in contact with us and that you can make comments if you don't have a chance to do so at the meeting.

If you picked up a public meeting feedback form in the back of the room, if you could, fill that out and

give us some suggestions on how we could improve things. Or if things went fine, we'd appreciate that. If you could, silence your cell phones or put them on vibrate at this point. That, hopefully, will take away any disruption that that could cause if they go off during the meeting.

Having said that, I'm going to turn things over to Andy Campbell, who is, hopefully, going to go very briefly through NRC's roles and responsibilities.

MR. CAMPBELL: Thank you, Lance.

I'm Andy Campbell. I'm Acting Deputy Director of Environmental Protection and Performance Assessment at the Nuclear Regulatory Commission. I'm here tonight to introduce Gregory Suber, who's Environmental Review Branch Chief in my directorate. Greg is in charge of developing the Generic Environmental Impact Statement. And also, I want to introduce Bill Von Till. Bill is chief of the Uranium Recovery Branch. Bill does -- his group does an awful lot of the licensing for uranium recovery type of facilities.

Also, Joan Olmstead, who's with the Office of General Counsel at the NRC. And Jeannette Arce is a recent member of our staff; she joined us four weeks ago. She's in the Nuclear Safety Professional Development program at the NRC.

So what we're going to cover tonight are -- very briefly, I will give you NRC's roles and responsibility. Rather than go on and on about that, you can go to the NRC's website and you can get a lot of information about what we do, what we regulate and how we regulate the commercial nuclear industry. The regulation of that industry is focused for the NRC on the commercial sector.

We are not the Department of Energy. We do not regulate -- except in some cases -- for example, the high-level waste program at DOE -- we do not regulate the Department of Energy. And we have nothing to do with the weapons program at DOE.

We're also going to -- Greg is going to cover the NRC's environmental review process, and Bill will cover some of the safety review process and give you some information if you're not familiar with the in-situ leach mining. And then we will open this up for public comments on the proposed GEIS.

We are an independent federal commission. What that means is we have five commissioners, who are appointed by the president and confirmed by the senate. Those are the only political appointees in the US Nuclear Regulatory Commission. The rest of the staff, from the executive director of operations on down, are career civil

servants.

The commissioners have five-year terms, and those terms are set. They cannot be removed when a new administration comes into office. The president can appoint a chairman to the commission and new commissioners, and that is the extent of interaction with the executive branch. So we are much closer to congress than we are to the normal departments, such as the Department of Energy or even the Environmental Protection Agency.

Our regulatory responsibility, our safety and security reviews for the commercial use of nuclear materials, nuclear energy, nuclear power plants, the medical uses of isotopes that are used, for example, for cancer treatments, industrial uses of nuclear materials. The production of smoke detectors, for example, are licensed by the NRC.

Our responsibility is to conduct environmental reviews and licensing. That's the process that -- where we have to review with public comment license proposals from the industry. We conduct inspection at licensed facilities, and we conduct enforcement at licensed facilities. We can shut them down if we feel they are being unsafe and they are violating our regulations.

So with that, what I'm going to do is -- I'm

going to turn this over to Greg Suber to talk about the Generic Environmental Impact Statement and the process that we're following. This is the beginning of the process.

So, Greg?

MR. SUBER: Thank you, Andy.

First of all, I'd like to thank everyone who took time out of their busy schedules to come to this meeting today. Public participation is very important to the NRC, and that's the reason we hold these meetings. It's important for us to include the public in our decision making and make sure that we have buy-in on how we regulate the industry.

My name is Gregory Suber, and, as Andy has already stated, I am the chief for the branch that is responsible for conducting environmental reviews for the uranium recovery licensing. Right now, I'm going to take a few minutes to discuss the environmental regulations that the NRC has to follow, to give you details of the environmental review process and describe the ways that you can participate in our scoping process to inform that process.

Okay. The slide that you see before you details our responsibilities under the National Environmental Policy Act. It's also known as NEPA. NEPA

was enacted in 1969, and NEPA requires all federal agencies to use a systematic approach in considering the environmental impacts of major federal actions.

In short, what that means is that before the NRC allows a licensee to do anything major, we have to conduct a thorough environmental review and we have to evaluate those impacts. NEPA is what we call a disclosure tool. And what that means is that under NEPA we are responsible for disclosing to the public what we are looking at in our environmental review. Our reviews have to be transparent. We have to inform the public what information we're using in our reviews, and we also have to invite the public to inform us or participate in those reviews by allowing them to participate in scoping meetings.

Now, this is not the only public participation opportunity that you will have in this generic EIS process, and I'm going to talk about it a little bit more later, but this is the beginning of the process; we're just starting the process, and we've inviting you to come in and help us decide how we're going to bound that process, what areas you think that we should look at in the process and how we should concentrate on that process.

NEPA also established the Council of Environmental Quality within the executive office of the

president. The Council has a couple of responsibilities. One is to advise the president on environmental matters, and the second is to coordinate development of environmental policy and initiatives.

Now, CEQ has promulgated regulations that federal agencies like the NRC have to follow, and one of those regulations allows federal agencies to combine proposals into a single course of action or, in other words, take several actions and combine them into one EIS. For the NRC, we call this process a generic environmental impact statement; other agencies like DOE use other terms, like programmatic environmental impact statement, but it's the same concept.

What you do is -- you have related actions, and they're related either -- by geography, and sometimes they're related by subject matter. But we have these related actions that we can combine and treat as a single action. And the NRC has done this several times in the past, and one of the most prominent examples is what we've done for reactor license renewal. There's a generic environmental impact statement that's used for reactor license renewals.

Okay. The next few slides, I'm going to discuss how the NRC plans to prepare the generic environmental impact statement for uranium recovery

licensing. I'm going to start by discussing the purpose of the GEIS and how the NRC plans to use that GEIS. I'm also going to describe the proposed scope, and I'm going to identify what resource areas we will include in our evaluation. Lastly, I'm going to discuss and explain to you how you can participate in the process.

Now, this slide talks about the purpose of the uranium recovery GEIS. And the purpose is to addresses generically the environmental issues common to in-situ leach milling. The GEIS will examine the environmental impacts of in-situ leach milling and also other feasible alternatives. We plan to use the GEIS as a basis for site-specific applications when those applications come in.

So in other words, what we're doing is -- we plan to prepare two documents. What the GEIS will do is -- the GEIS will look at broad issues that are common in in-situ leach milling to all sites. And after we complete that document for each application that we receive into the NRC, we will prepare a site-specific analysis for that particular location.

And what we will do is -- we will look at our generic GEIS, and we will look at the site. And in areas where we can use or adopt the conclusions for the GEIS, we'll adopt those, but we also recognize that often there

are particular site-specific characteristics that are totally unique to that site, and in that case, we will cover those characteristics in a site-specific review. In this way, the NRC will fulfill its NEPA obligations in the most efficient manner.

In the environmental scoping process, we endeavor to identify issues that should be addressed in the EIS. It's an important step in the process because it basically defines the boundaries in the process. And we conduct these public scoping meetings so that we can increase public participation in our process and, hopefully, use the public to help us to identify issues that may have historically been overlooked or issues where the public can inform our decision.

The big thing about public participation is that when it's done properly, it increases the quality of our evaluation. These are your communities. This is where you live. You're there every day. And it would be foolish of us to come in and try to conduct an analysis in your neighborhood without talking to you. And that's why we're here today. We want to get your input on where you -- on the issues that you think are important.

Here we have a list of some of the impact areas or resource areas that we look at. Now, the first point I would like to make is that this list is not all-

encompassing; I just put it up here to give you an idea of some of the things that we look at when we do our evaluations, some of the resource areas.

Now, when we conduct our site-specific evaluation, of course, some of these resource areas will have been covered by the GEIS, but some of these resource areas are going to be the focus of our site-specific evaluation, because they are totally unique to that particular site.

Here I wanted to give you an idea of the schedule that we are working with for the GEIS. The notice of intent to prepare the GEIS was issued on July 24, and right now we're in our scoping comment period. And presently, the scoping comment period is scheduled to end on September 4. We've already received a number of comments where people encouraged us to expand that period; they felt that the scoping period wasn't long enough. And we're entertaining that tonight.

If you have similar comments, I would like for you to make those tonight. That's the kind of feedback that we're looking to receive from you.

Now, once we've received those scoping comments, we're going to analyze them. And we're going to include them in our analysis, and we're going to issue a draft environmental impact statement.

And we'll come back to Albuquerque again, and we're going to show you the conclusions of our draft statement. And once again, we're going to give you, the public, an opportunity to comment on our draft environmental impact statement. You have an opportunity to tell us where we got it right, and you have another opportunity to tell us where we got it wrong.

So we are definitely trying our best to include the public in this process. And ultimately, we plan to issue the final GEIS in January of 2009.

Here we have the address for methods to communicate with the staff outside of this meeting. The first thing I would like to say is that the comments that you make in this meeting tonight are being transcribed, and we treat those comments and those comments carry the exact weight as if you wrote a letter and signed your name to it.

We're going to go through the transcript, and we're going to listen again to what you told us. And we're going to take that, those comments that you make tonight, and make that part of our evaluation.

If you choose not to make a comment tonight or if time doesn't allow everyone to get their comments in, you can always mail your comments to the NRC at the address that's on the screen, and you can also send us an

e-mail. Now I would also like to say that this information on this slide is also available on the table outside in case you don't have an opportunity to write it down or in case you would just like to conveniently pick it up on your way out.

Here you have the main contact people for the two reviews. Mr. James Park is conducting the Generic Environmental Impact Statement review; that's the environmental review that is going to produce the GEIS. And he can also talk to you about the site-specific environmental reviews that we'll be doing later. Mr. William Von Till is going to get up and speak to you in a few minutes about the uranium licensing process and about the safety review that goes along with the site-specific application.

All right. I'd like to conclude by saying thank you very much for coming out to attend our meeting tonight. And I do want to emphasize that public participation is very necessary in this process. And the reason we're here tonight is because we value your input, and we really want to hear from you, and we really want to take into consideration what you have to say.

Once again, thank you for coming. And we appreciate it.

(Applause.)

MR. VON TILL: Thank you, Greg.

Can everybody hear me?

VOICES: Yes.

MR. VON TILL: Great. Again, welcome. I'm glad to see a lot of people from the community out here tonight. My name is Bill Von Till; I'm the Chief of the Uranium Recovery Licensing branch in Washington. Our job in our branch is to -- uh-oh.

(Pause.)

MR. VON TILL: Here we go. It's working.

The job of the uranium recovery branch is a total oversight of these facilities, uranium recovery facilities. We develop policy for these facilities, and we oversee all the licensing and technical and safety issues with these facilities. I want to point out a couple of other things.

As Gregory mentioned, for the site-specific reviews and the GEIS, the environmental review branch is responsible for that. I also want to point out that we have an individual from our Region IV office, Jack Whitten, over here, who is responsible for inspections of those facilities.

What are we talking about here? What kind of facilities are we talking about? The NRC regulates under the Atomic Energy Act two main types of facilities which

are processing facilities for uranium in the beginning part of the field cycle process: Conventional uranium mills that we're used to, because a lot of these sites indeed are existent in New Mexico, and; in-situ leach uranium extraction facilities, which is kind of the wave of the future for most of these facilities.

One thing I want to point out is that the NRC does not regulate conventional uranium mines. The states and the Mine Safety and Health Administration are the appropriate licensing bodies for conventional uranium mines.

Here's the review process for a site-specific application. We've had quite a resurgence in the uranium recovery industry. We're expecting approximately 14 new applications for brand-new facilities across the western United States; 11 of those are in-situ leach facilities, and the three or so are conventional facilities.

The first thing we do is get with the companies that are interested in submitting an application to the NRC and having pre-licensing meetings. The agenda of that is to see what the companies are interested in and to have discussions early on so that we have a quality application when it's submitted to us.

When an application comes to our door, the first thing we do is conduct an acceptance review. The

purpose of the acceptance review is to ensure the application is complete and is of high quality. We have very limited staff to handle these applications. And if the applications are not complete and of high quality, we'll give them back to the licensees or the applicants and try again. So we've been working with the companies already, having meetings to make sure that we do have high-quality applications.

Once the NRC deems that a license application is acceptable for full review, the first thing we do is publish on our website a notice of opportunity for hearing for groups that may be interested in challenging this action. Then once that occurs, we have two separate reviews that are in parallel. One is conducted by the uranium recovery branch, which is the safety and technical review. And under Greg Suber's branch, the Environmental Review Branch, there's an environmental review.

And as Greg pointed out before, this is in addition to the GEIS. This is a site-specific environmental review that covers the site-specific actions of this application.

I want to point out that as part of this process, we work with all stakeholders involved. We work with the states, the EPA, the DOI and, especially in New Mexico, the Indian tribes: The Navajo Nation, the Acoma

Pueblo, the Lagunas, the Hopis, everyone who is near a facility that has an interest in this particular action.

Once we grant a license for these facilities, our oversight does not stop there; our office conducts licensing reviews, and Jack Whitten's office in Arlington, Texas, conducts inspections on those facilities. The purpose of the inspections is to ensure that these facilities operate in a safe manner to protect the workers at these facilities and the public and the environment.

Next slide. This is a typical conventional uranium mill site. I wanted to show you what these facilities look like.

Next slide. Now, most of the applications that we're going to receive are in-situ leach operations. So that's what we're going to focus on the most. In most cases now, industry -- if site conditions are right, the industry would rather -- okay. I'm sorry.

(Pause.)

MR. VON TILL: Can you hear me? Let me do this. Okay.

The -- most of the applications -- if the site conditions are right, most companies will prefer to use the in-situ leach form of extraction. And what I mean by, Conditions are right? You have to have groundwater in the aquifer where they're doing the extraction from, you have

to have upper and lower confining units, and you have to have the right permeability conditions.

This kind of operation does not have the conventional mining aspect. It does not have the tailings impoundment that is transferred to the Department of Energy or the state for long-term care.

Here's a typical look at an in-situ leach operation. And I just want to point out a couple things here. This is where the ore body is located. It's normally in a sandstone unit. In the state of New Mexico, it's mainly in the west water formation. These are roll-front deposits that have deposited themselves within the sandstone units.

And what the companies do is inject water with small amounts of oxygen and carbon-dioxide or sodium bicarbonate to loosen up the uranium so that they can pump it out of the ground for further processing. This then goes on to a processing plant. The end product is yellowcake.

A couple of things with this slide I want to point out. Because this is in the groundwater and groundwater is a precious resource in the western states, we have a large amount of monitoring involved. We also require that the companies restore the groundwater to the way it was before they started the operation. We have

monitoring horizontally, and we have monitoring above and below the confining units.

Here's a look at a typical in-situ leach extraction operation. This is the well field. As you can see, it's not very disruptive to the surface. Mostly, you see a bunch of well covers, which look like beehives, all throughout the field here. These are covers for individual production and injection wells and monitoring wells. These wells are then fed to a header house, which then pumps the product to a processing facility.

This is a look at the actual processing plant. It's just a couple of warehouse-looking buildings. This is the administrative staff here, and this is where all the processing occurs. The water is here and is run through ion exchange resins and then goes through a chemical process to finally end up with yellowcake, which then goes on to fuel cycle facilities, which then go on to nuclear fuel rods at the nuclear power plants.

With this slide, I wanted to illustrate kind of an aerial view of what this operation looks like. This is the extraction area, the well fields, right here. As I said before, we have a lot of groundwater monitoring involved. And this is a monitoring well ring that assures that this operation does not influence the other aquifers that are used for drinking water sources, livestock and

the other uses that are not of a mining type purpose.

Another thing that I wanted to point out is: Before the companies can extract uranium out of these aquifers, they also have to go to the Environmental Protection Agency for an aquifer exemption under the Safe Drinking Water Act. And these aquifers or portions of these aquifers, because they have uranium ore bodies, already have elevated levels of radio nuclides and other metals.

And so what the EPA does is look at some criteria. For example, this aquifer cannot be used presently for a source of drinking water. Once the aquifer is exempted from the Safe Drinking Water Act and they have an NRC license and an underground injection control permit from the state or the EPA, then they can proceed with licensing.

And again, I wanted to point out that once we license the facilities, our job is to make sure that these plants are run in a safe manner that protects the worker, protects the public, protects the wildlife and protects the groundwater resource. And I wanted to emphasize again that the main purpose of this meeting tonight is to listen to you. So at this point, I'm going to stop talking and let you come up and state your concerns. Thank you.

MR. RAKOVAN: Thank you, Bill.

(Applause.)

MR. RAKOVAN: I'm going too start going through the cards of the people who have signed up to speak. If you'd like, when you have your chance, you can come up and take the podium or you can take one of the mics in the aisles, whatever works best for you. If you could, please try to limit your comments or your question to a couple of minutes, given the fact that we do have quite a few people who have signed up to speak and I'd like to try to get to as many as possible.

I'd like to start out with Senator David Ulibarri

SEN. ULIBARRI: Right here. Good evening. My name is David Ulibarri, and I'm a state senator. I represent District 30, which encompasses Cibola County, northern Socorro and a small portion of Valencia. I'm also the county manager for Cibola County.

I welcome the NRC to New Mexico and appreciate your efforts to seek public comment for GEIS on in-situ leaching. I also appreciate the opportunity to be here tonight to share with you and the NRC that Cibola County is proud to be the home of the uranium capital of the world and that the Grants community is a key stakeholder of the output of the decision you make with regards to the EIS.

The uranium source in Cibola County can provide a secure domestic source of energy for the US. The future can be a significant reduction by national dependence of foreign oil. Nuclear energy is one of the most common cost-effective and efficient alternative sources of energy fuel without emissions and greenhouse gases. It is essential that we do all that we can to enhance domestic production and address environmental and safety concerns and will help to ensure uranium production of the future.

We are confident that mining and milling can be conducted according to modern standards and regulations that are protective of the health of the uranium workers and the public and the environment. We appreciate the NRC taking the lead in ensuring that this will happen.

The renaissance of mining and industry in Cibola County and neighborhood counties is already re-establishing a significant tax base and providing local employment and contractors with high wages and important benefits that will enhance the quality of life and bring a much-needed economic stimulant to our region. Thank you for being here and for the opportunity to speak. I have attached some copies of resolutions of support from the Cibola County Commission and also the City of Grants. Thank you.

MR. RAKOVAN: Thank you, Senator.

(Applause.)

MR. RAKOVAN: Sandy Brewer, from the Bluewater Valley Downstream Alliance.

MS. BREWER: I'll be brief and come up here. Good evening, ladies and gentlemen. I'm Sandy Brewer, and I am from Grants, New Mexico; I have lived there for 50 years. I represent the Bluewater Valley Downstream Alliance. This is a statement of the Bluewater Valley Downstream Alliance to NRC's Generic Environmental Impact Statement for uranium mining and milling facilities.

The Bluewater Valley Downstream Alliance states the following as our position regarding a Generic Environmental Impact Statement for uranium mining and milling activities in New Mexico or anywhere in the United States of America:

Number One, our research has not found an in-situ project in the United States that has successfully cleaned the water back to the original water quality nor to drinking water standards. Therefore, in-situ leaching of uranium should not be allowed in New Mexico or the United States. Due to the many and varied locations plus geologic and hydrological conditions, it is impossible to prepare a generic environmental impact statement to adequately include and successfully regulate these various conditions.

I thank you very much for my time.

MR. RAKOVAN: Thank you, Ms. Brewer.

George Byers from Neutron Energy, Incorporated.

MR. BYERS: We appreciate the NRC's coming here.

We hope that you have had your red and green chili, Bill.

Neutron Energy is a privately held company. We are engaged in the exploration and development of uranium by conventional, not by ISR, methods in New Mexico, but we believe it's imperative that the US use more uranium produced from secure domestic sources in order to sustain the 20 percent of America's base load energy production that comes from safe, clean and non-greenhouse-gas-emitting nuclear power.

If America is to reduce its reliance on foreign sources of energy, it makes no sense not to use every domestic energy resource that's available to us, including domestic uranium and nuclear power. Today's nuclear power industry requirements of about 55- to 60 million pounds of uranium per year to fuel America's 104 reactors will soon begin to grow as the 30 proposed new reactors in our country begin to operate.

The companies that I'm familiar with and that our industry's a part of that are engaged in producing

uranium in America are committed to working with the public, with the state regulatory bodies and with you at the NRC to protect the environment, to conduct safe operations and provide hundreds if not thousands of well-paying, safe and high-tech new jobs and a much higher tax base where we operate.

In short, we plan to recover uranium safely because our country needs it. And in order to provide this fuel, it's critical that permitting of new facilities proceed in a logical and timely manner.

As I said earlier, at this time, Neutron plans no in-situ recovery operations in New Mexico; instead, we're planning to undertake conventional underground mining and perhaps limited surface mining on our properties based upon the nature of those deposits. However, we do support your plans at NRC to assess the impacts of these environmentally safe ISR facilities on a generic basis.

And, Mr. Suber and Mr. Von Till, you made very good sense in your earlier statements for three very good reasons. Having a GEIS for the common elements of ISR operations will also allow you at NRC and you and your staff to have more time to review conventional milling and mining operations in New Mexico and other States.

Number Two, preparing a generic EIS will also

allow NRC staff to concentrate on the site-specific aspects of proposed ISR operations without compromising the public's ability to review those projects. You made those points very clearly earlier.

Preparing a GEIS will also reduce the time of permitting future ISR mines without compromising the care and detail in which site-specific environmental impacts for those ISR operations will be conducted.

Again, Neutron proposes conventional mining operations. And because of that -- you're not covering it here tonight, but we do support NRC's plans to update the 1980 GEIS for conventional uranium milling. It's out of date, and it needs to be revised to assess new milling techniques and technologies, improved methods for tailings disposal and the associated environmental impacts.

Neutron Energy believes that the NRC's plans for a GEIS on ISR recovery will provide the public and potential licensees with up-to-date guidance and data on which to make science- and fact-based decisions and will improve future baseline environmental evaluations and site-specific license applications and their environmental assessments, as this GEIS is not going to preclude future site-specific EISes. And that's what I want to make sure everybody here understands.

More importantly and most importantly, we do

not agree that a GEIS will preclude ample opportunities for public involvement in future licensing actions. Rather, it will allow the public and the states, such as New Mexico, and the NRC to focus on the site specifics of all applications and make them unique. Thank you.

(Applause.)

MR. RAKOVAN: Thank you, Mr. Byers.

Commissioner Ernest -- and I apologize if I get your name wrong -- Beecafi.

MR. BECENTI: Becenti.

MR. RAKOVAN: Ah, Becenti.

MR. BECENTI: Thank you. Good evening. My name is Ernest Becenti, Jr. I'm a McKinley County commissioner.

Perhaps more than anyone here tonight, McKinley County has the greatest interest in the future of uranium development in nine states because the county has been one of if not the largest domestic producer of uranium and has one of if not the largest remaining resources of domestic uranium yet to be produced.

Depending on one's point of view, what is at stake is a strong economic development and hundreds of jobs that we desperately need or a potential for an increase in pollution. Both of these issues are important to McKinley county, and our commission needs accurate

information to make proper decisions. That brings me to the generic environmental impact statement that NRC has proposed.

My understanding is that NRC will perform an evaluation of broad impacts of modern uranium technologies that would apply to the licensing of new facilities. In this process, NRC will evaluate the historic uranium operation and reclamation in the western United States and thus will review the success and the failures and use the information to determine the impacts of new operations and development and mitigation requirements that will incorporate into new licenses to ensure that the failures of the past are not repeated.

It is also my understanding that this generic environmental impact statement would provide a sort of a boiler plate for new licenses so redundant information would not have to be evaluated over and over again, but that during the licensing of each site, NRC would evaluate local futures and solicit public comments for each license review.

McKinley County strongly supports the preparation of this generic environmental impact statement. It will result in a single document where local decision makers can evaluate the pros and cons and the successes and the failures of historic operations, yet

we can be assured that this evaluation quality of individual licenses would not be compromised. There is a simple, no-down side to this effort.

In closing, let me say that I often hear from our constituents who assert the support of modern uranium development because it is safe, and I often hear from constituents who oppose uranium development alleging it is dangerous. Now we are presented with an opportunity to have the federal government prepare an unbiased, broad study to evaluate the safety, yet some don't even want the study. This makes me ask why. Could it be that some people simply do not want to be confused with true facts?

So I thank you very much for coming here tonight to hear our statements. Thank you.

(Applause.)

MR. RAKOVAN: Thank you, Commissioner.

Paul Robinson from Southwest Research.

MR. ROBINSON: Good evening. My name is Paul Robinson. I live about three miles northwest of here, upwind as the radon flies. I was really enjoying seeing --

MR. RAKOVAN: Would you get a little closer to the microphone, please?

MS. ROBINSON: -- the presentation here. It looks to me like the GEIS is going to be finished before

any of the new applications are in. Therefore you can just guess at what actually is going to be proposed, because there won't be real applications filed within a year.

Bill and Ron Linton were out here, had presentations from the operators. They're going to take a year or two before they even get their application filed. Then it has got to be reviewed, as Bill said.

So the timing is inappropriate. It's dysfunctional. It might provide some information. You might be able to get some conceptual ideas about in-situ mining or conventional mining, but each different well field within a body has to have a different fluid. The fluid has to be adjusted.

It's not just three chemicals, Bill. It's a carefully concocted fluid, and it's going to be mobilizing not just uranium, but all the heavy metals and the radio nuclides in the ore zone. You've avoided looking at the environmental impact issues in your presentation.

You had a picture of uranium, Bill, without a tailings pile. That's where the problems lie. That was the reason to do the last generic environmental impact statement, because there was a new set of regulatory requirements that brought a whole new set of wastes into the NRC's area of coverage: The uranium mill tailings.

And that motivating factor is not here today.

It's nice, Greg, to hear your strong interest in public involvement. Go to the places where the facilities are proposed. Albuquerque is two hours away. You spent more time driving to get here than you made available. Make enough time for people to talk. Provide an opportunity for dialogue and communication, not just a two- or three-minute conversation.

There's more activities being proposed for other kinds of energy development than uranium, and the uranium facilities are proposed based on reactors that haven't been licensed. There's assumptions that none of the existing reactors, which are about as old as the bridge in Minneapolis -- that they're never going to shut down. So we're going to lose reactors unless we get 109 new ones.

So looking at what the demand is, whether the existing inventory of weapons-grade uranium and depleted uranium and the enrichment tailings -- whether they can meet domestic needs. There's more uranium in those sources owned by the government than there is in the deposits that are being described as being developed.

As Mr. Becenti just mentioned, the biggest deposit in the state is not amenable to in-situ mining. Many deposits are not. And for that reason, the scope of

the GEIS does not appear to reflect the experience here in the state.

And the last point is the Bureau of Mines had a history of in-situ mining that they published in 1977. NRC and the regulating agencies have not published a summary of the performance of those in-situ sites. They haven't identified which ones of those have not been able to meet their restoration standards and had alternative concentration limits.

I heard Bill say that the NRC is going to require restoration to the way water was when the operation started. that's a high standard. I appreciate your recognizing that standard, and that's the standard that needs to be met for groundwater to be protected. It's not just drinkable water out here. It is the key resource, and every different place has important groundwater. Groundwater is not a generic issue.

Thank you very much for your time. I look forward to talking to you again.

(Applause.)

MR. RAKOVAN: Thank you, Mr. Robinson.

Next I'd like to invite Cassandra Bloedel from the Navajo Nation EPA.

MS. BLOEDEL: Good evening, and thank you, NRC members, for coming to Albuquerque. We hope you come back

more readily.

Navajo Nation has four UMTRCA sites on our nation: One in Shiprock, New Mexico, one in Tuba City, Arizona, and we have one that kind of borders between Arizona and Utah with Monument Valley; we also have one in Mexican Hat, Utah. The only thing is there is radioactive waste existing at the Tuba City site in two locations: One at a former open dump, and one right across the street from the UMTRCA site.

This site was discovered because I took the time to go to Tuba City to look at our groundwater. When I was there, I started listening to the local people, that there was burials done back in the '50s and the '60s of waste. So I had no idea of a connection between the UMTRCA site and this site.

Later, we had US EPA emergency response come out. They did their own investigation in 2004. The site was discovered in 2003. I have submitted a document to you to show the waste. There is milling balls. There's laboratory waste. There is actual radio nuclides that are above the threshold for safety levels.

You have every year -- each person should have a dosage of five millirems per year. This situation has soil samples where there's -- some of the samples show 400. That is quite a bit above the levels. You have lack

of vegetation there.

You even -- we even found -- had to go the extra step than what US EPA emergency response did. We had a forensic specialist in radiation come out, and I was out there during the investigation with him. We found the milling balls. We found the soil samples. Once those were analyzed, we found Radium 226, 288, which was way above the levels.

You talk about the UMTRCA law that -- in your booklet -- has expired, because it went to 1978. And so that law in itself considered vicinity properties. This site is -- would be considered a vicinity property.

Now we're looking at trying to get all of this radioactive waste cleaned up appropriately, because it shouldn't have been there in the first place. It should not have been buried. It's a threat right now to the major primary water drinking water source of the Navajo aquifer. There are several communities that -- plus the Hopi tribe and the Paiutes that just live right outside of Navajo Nation. They all utilize this drinking water source.

If this radionuclide that has already been showing in the shallow groundwater gets through that fractured Navajo sandstone, it will devastate all those communities. So is the US government, NRC in particular,

going to provide safe drinking water for the rest of their lives and their children's lives? That's a question that I would like answered.

And so the document does show that there is waste, and I hope that this gets cleaned up. There is also yellowcake out there that has now surfaced and now has threatened the actual communities there. For some reason, this yellowcake has an affinity for plant roots. You wanted information about your environmental impact statement. Well, this is a biological threat.

There are levels of radionuclides shown in here that are above the MCL levels that US EPA has in their standards. There's the milling balls, all in a bag. For some reason, US EPA did not discover this. It took additional work by Navajo Nation, using their own funds, to find this waste, and that waste is scattered throughout a whole area. We understand there could be other areas. So something has to be done with this.

The UMTRCA law, hopefully, will be fixed to allow for those vicinity properties to be appropriately cleaned up. And this radiation that is being emitted right now into the atmosphere for these communities will be diminished with a proper cleanup.

And so when you talk about permittees wanting to do -- go through a specialized shortcut with your GEIS,

I think you have to consider things that are existing. This is existing now, and so you need to really appropriately consider what you're doing when you're going to be allowing permittees to do things like this.

We do have sites that -- of course, the in-situ leaching is a concern. Of course, there, McKinley County -- I was one of the past members of the McKinley County Water and Soil Conservation District. And so this is something I am a part-time member of Cibola County, also. But there is things my position -- I cover sites in Arizona, Utah and New Mexico. So it's really important that this be considered, and I hope you do that. Thank you so much.

(Applause.)

MR. RAKOVAN: Thank you.

And she brings up an excellent point. If anyone has brought a statement or any information like she has that they'd like included as part of the transcript for the meeting, just flag me down, and I'll make sure that it gets included.

Next I'd like to offer to comment Jerry Pohl.

(Pause.)

MR. RAKOVAN: It looks like, from -- I can't read the first word -- Land Grant.

MALE VOICE: Seboyeta Land Grant.

MR. RAKOVAN: There you go. Thank you.

MALE VOICE: He's not here.

MR. RAKOVAN: I guess he must have left.

Robert Tohe from the Sierra Club.

(Pause.)

MR. RAKOVAN: Do you guys like it a lot better if they come and use one of these?

If you want to, come use one of these. I think they'd prefer it. Up to you.

MR. TOHE: Good evening. My name is Robert Tohe; I'm the environmental justice organizer for the Sierra Club. And for the record, I'm a member of the Navajo Nation. I have a homesite lease in Mexican Springs, a New Mexico site in McKinley County. I'm here to offer my comments briefly, and I thank you for your attention so far.

What we understand this generic environmental impact to state is that all communities are generic, they're all the same, there is no difference, and, yet, when you go into each of those communities, groundwater's different. They hydrology's different. The geology's different. The water and the weather is all different in these communities, and, yet, we're being lumped into one generic community. There's diversity out there, as New Mexico is well aware of.

One size does not fit all. The NRC needs to do definitive consultation with all communities and, in particular, to the Navajo Nations and pueblos, to our sacred sites, such as Mount Taylor. These areas are special and significant culturally to the people in these areas.

And there is Dr. David Begay, who is a special advisor to the Dineh Tah Association. The Dineh Tah Association is recognized by the Navajo Nation as people with the expertise and the knowledge to speak about sacred sites, and including Mount Taylor.

We also want to express that these hearings should be conducted out there, not here in Albuquerque. There's no uranium mining here. There's no ISL proposed sight here in Albuquerque. They should be out there in the communities.

And the New Mexico state minerals department has also said -- and this goes back to what Paul Robinson says -- there are no ISL permits currently. New Mexico does not have one ISL permit presently, so you have to ask, What is the purpose, and what is the need? Is the need just for the marketing, for the industry? That's what we have to answer through these public comments.

I also want to submit opinions -- and these comments will be forthcoming -- from the Sierra Club and

also other tribal groups in the area. Thank you.

(Applause.)

MR. RAKOVAN: Thank you, sir.

Alvin Rafelito from the National Indian Council on Aging.

MR. RAFELITO: Good evening. Thank you for giving us the opportunity to address this public hearing. I work with the National Indian Council on Aging and am also a board member for the Hunger Grow Away, addressing hunger issues throughout the world.

For this licensing process, discussion and input into this project, I'd like to say no. No.

(Applause.)

MR. RAFELITO: We have enough health disparities that we're dealing with right now with our elders and our young people to have this also added on to our situations that we have in our communities. We're concerned with diabetes, we're concerned with kidney disease and with cancer; a lot of these are three times the level of the national average that we have in our communities of color, and allowing in-situ licenses for this to happen is only going to make this worse in the future to come, for my kids, my grandkids and their kids' kids.

The other thing also to consider here in the

southwest is we're in the middle of a drought and water is precious, and water is what we're going to be fighting over here soon. And contaminating that process and then leaving us to deal with it? No. No more. We want our waters pure -- if it's radioactive, fine -- the way it is. It's drinkable, without having to add things to it and making it more radioactive than before.

And as mentioned earlier, there's other sites that still have all this radioactive waste. It's still happening. It's in our atmosphere. There was no cleanup made; they just left the dirt and the waste, and they took off and took the money and ran. No more.

So with this little comment, thank you for giving me the time. And say no to that licensing process. Thank you.

(Applause.)

MR. RAKOVAN: Thank you very much for your comments, sir.

Loren Setlow, US EPA Office of Radiation and Indoor Air.

(Pause.)

MR. RAKOVAN: I think they'd rather you come to one of these.

MR. SETLOW: Oh. All right.

MR. RAKOVAN: Up to you.

MR. SETLOW: My name is Loren Setlow; I'm represent EPA's Office of Radiation and Indoor Air in it's Radiation Protection Division in Washington, D. C.

EPA will be preparing a written response to the Nuclear Regulatory Commission's request for comments on the proposed scope of its GEIS for uranium milling facilities. While our comments will more extensively detail the principal environmental issues which should be addressed in the scope of the GEIS, in addition to the areas which were mentioned in NRC's Federal Register notice, I wanted tonight to outline just a few important issues.

First is groundwater protection. Conventional uranium mills but certainly ISL facilities have the potential for damage to underground aquifers, as well as surface sources of drinking water.

The GEIS should effectively address the protection strategies and methods that will be used for the affected water bodies; this must be overlain by the Uranium Mill Tailings Radiation Control Act's requirements, EPA's implementing regulatory standards for uranium extraction facilities and NRC's regulatory requirements. This should also include the complementary regulatory requirements under the Safe Drinking Water Act, which EPA and the primacy states implement through the

Underground Injection Control permitting process.

As well, NRC should consider discussing its new regulations being developed for groundwater protection at ISL facilities. The discussion could examine how they will fulfill the requirements of UMTRCA and EPA's standards for mills, plus provide complementary standards derived from the EPA UIC regulations to demonstrate how water resources inside and outside the license area will be protected.

Secondly, summaries of decades of existing data from previous and existing ISL operations should be reported. This could include histories of groundwater excursions, restoration and reclamation issues, including commonness of using alternate concentration limits rather than background levels or MCLs for hazardous constituents, volumes of radioactive and hazardous wastes, including evaporites and drill cuttings, to be disposed in conventional mill impoundments, radionuclides and metal levels in evaporation ponds, acreage of disturbed surface from facilities, roads and pipelines, occupational radiation and exposures and accidents, measurements of radon emissions from the ponds and processing facilities and how this can be effectively controlled by the requirements of EPA and NRC.

Thirdly, social, cultural radiation and

environmental impacts on Native Americans and other disadvantaged populations, as well as ranching communities, from the proposed actions should be considered an important aspect in the GEIS, given past impacts on future geography of ISL in mill development.

Lastly, the NRC's 1980 GEIS on conventional uranium milling is out of date. Over 25 years of data on the mill and tailings impoundment, performance and adherence to regulatory controls or violations, and reclamation history have now been accumulated by the NRC in its agreement states.

In a letter to the NRC from the director of EPA's radiation protection division in 2002, it was stated that the proposed use of alternate feed for mills or disposal of waste in tailings impoundments that was not physically and chemically similar to the tailings generated from ores warranted a new evaluation under NEPA. With a likelihood of additional licenses for new mills, as well as suspended-activity mills restarting, NRC should consider the robustness of discussion devoted to conventional milling and reclamation and an elaboration of their environmental impacts in the GEIS.

We look forward to working further with the NRC on uranium recovery issues, their new proposed regulations and evaluating the associated environmental impacts. And

as I mentioned before, we will be providing written comments. Thank you for the opportunity to speak to you tonight.

(Applause.)

MR. RAKOVAN: Thanks.

James Martinez.

MR. MARTINEZ: Hello. I'm James Martinez; I'm from the Juan Tafoya Land Grant Corporation, and I want to thank you guys for coming out to listen to the positive and the negative about this uranium industry. Also Seboyeta -- they couldn't be here, but they're also for the uranium industry. And there is a lot of positives, you know.

I did get all my people from my community to come out because they are concerned about everything that's going on, and we are for the uranium industry to come in. And New Mexico is one of the -- we need it, you know, and we are for it. And there is a lot of positive, and there is some negative, but maybe everybody together could make a good thing of this and our people could come together and make a positive.

There's a lot of -- you know, we have a lot of water in ours, and we have protected our water for generation after generation, and we will continue to do that. Whether these companies come in or not, we will

continue protecting our water sources. And I just want to say that we are for the uranium industry to come in. And maybe working together, we could help it be positive for everyone.

And I just want to say that thus Juan Tafoya have joined in and we will continue to help the uranium industry and help New Mexico grow. Thank you.

(Applause.)

MR. RAKOVAN: Thank you, Mr. Martinez.

Jerry Slim from the Eastern Navajo Allottee Association.

MR. SLIM: Good evening, everyone, the members of the Nuclear Regulatory Commission. On behalf of the Eastern Navajo Allottee Association, I thank you for letting me come up here to speak. My name is Jerry Slim, and I'm an allottee, and I'm the vice president of the Eastern Navajo Allottee Association. I am from Crownpoint.

The association is glad to hear and to have learned the new proposal on the generic environmental impact statement and in-situ and recovery and mining activities. The allottees support uranium in Church Rock and in Crownpoint because of having much need for the economic impact form the employment for all the local residents. We strongly support the NRC to generate the

generic environmental impact statement for uranium recovery operation. And I thank you very much.

(Applause.)

MR. RAKOVAN: Mel Stairs.

MR. STAIRS: Hi. My name is Mel Stairs, and I've been an independent small miner for the past 20 years. I was educated here in this state.

FEMALE VOICE: We can't hear.

MR. STAIRS: Is this better? Can you still hear?

(Pause.)

MR. STAIRS: Let me try this one. Okay. How's that?

My name is Mel Stairs, and I've been an independent small miner for the past 20 years. I was educated here in New Mexico at the school of mines, and I just wanted to make two comments.

The first is: With my experience in geology and my experience in the mining industry, the large problem that you have with this is containing the solution that they use to make the mine. In other words, you inject solution into the ground and into the aquifer, you pump it back up, and you have a large ring of monitoring wells to make sure that it doesn't escape into the water that everyone's gong to drink.

If you put the wells that monitor on a 1,000-foot basis or if you put your injection wells on a 200-foot basis like is one of the industry standards, there's a lot of ground in between that that the geologic study is just a guesswork.

If this room's 120 feet wide and that screen is only 30 or 40 feet wide and you put a well monitor at either side of that, you may miss a fault in the ground that is part of your containment, your clay layers on the top and the bottom, that would allow this to seep out. And the only time that you would realize that is when it has contaminated water far downstream.

So in effect, you're not going to stop uranium mining, and you're not going to stop solution mining. These two things are necessary for our economy, they're necessary for our energy security, but, more importantly, to protect the environment, you're going to have to do much tighter monitoring than is an industry standard now. You're going to have to put those wells that do monitoring on a 50-foot or 100-foot at the most grid pattern instead of the 1,000-foot that rings current proposed solution mines.

The other thing I wanted to comment about was the fact that there are a lot of people here who are emotionally upset about the idea of radioactivity being

released into their community. The people that are here from McKinley County, all you have to do is look north to your neighbors in Farmington. The Bloomfield/Aztec/Farmington area has a large cancer cluster, and studies have shown that that may be related to the coal-fired power plants there.

So if you're all concerned about making sure that no radiation gets into the environment, you should think twice about coal-fired power plants. Nothing in nature is pure. If you have three or four parts per million uranium in your coal and you burn 25 billion tons of coal a year, you're going to be putting a few thousand pounds of uranium back into the atmosphere to get into people's bodies.

So I think that it's a very good thing that we have government agencies to monitor these, but they need to be much more scientifically stringent to make sure that the monitoring is done on a basis that actually catches these isotopes when they get loose in the environment. Okay. Thank you.

(Applause.)

MR. RAKOVAN: Thank you, sir.

Tomi Jill Folk, Hunger Grow Away, Incorporated.

MS. FOLK: Hello. My name is Tomi Jill Folk. Hunger Grow Away is an organization that works around the

world, but especially right now, we're concentrating in the southwest, working where we are invited, to be able to help people grow their own food. We see places where the food supplies are very, very limited, and we work with a small, micro-intensive gardening system.

But I'm here tonight as a storyteller because as we have spent so much time in the pueblos and among the Navajo communities and the chapters and are working side by side with the elders, with the young and with so many people, we understand how desperate the need is for jobs, but we also hear some other stories. I recently released a compilation of some of the stories I have heard, and in addressing the historic and cultural issues as one of the areas of your concern, I have a story for you tonight.

This is how the story was told to me, and I thank my Navajo friends for allowing me to relay it:

Long, long ago, the Great Mystery came to the people, and they were hungry. And the Great Mystery told the people, "You have a choice. You have a yellow choice. You can plant and grow, and your corn will have yellow pollen, and that will remind you of the friendship of the sun. And you will live in happiness and harmony, and you will know peace. This you grow upon the earth.

"Or you can dig into the earth, you can wound and scar the Mother and take the yellow stones. And if

you do this, you will know suffering and pain and ignorance and great sorrow. And your children will pay for many generations yet to come for your ignorance and folly."

This is what you need to go to Mount Taylor again to discover. You also need to be doing the following. It is very important.

This is what was said to me: "You are a voice." I am a former pastor. "Go to your friends in Acoma and Laguna. Go to your friends in the hogans. Talk to them. Collect their stories, their stories of the mines, their stories of the pain and the death that followed them out of the mines. I tell you this: If you meet your friends, collect these stories, write them down, hear them and tell them. Tell them so the world knows, that the world will join with you to plant the corn and leave the Mother Earth in Peace!"

Thank you for listening and this opportunity to share what I have heard from the elders and my fears for the future.

(Applause.)

MR. RAKOVAN: Thank you, Ms. Folk.

I'd like to thank all the speakers up to this point for keeping your comments brief; that's helping us really cruise through these cards and helping us get a lot

of people up here. So thank you very much for that.

Just make sure that you're keeping your mouth close to the mic so that people can hear you. She did a great job there, but, you know, there's a lot of people, and this is a big room. So do what you can if you would.

Next I have Mike Bowen from the New Mexico Mining Association.

MR. BOWEN: Good evening, and thank you for the opportunity to provide comments this evening. My name is Mike Bowen, and I'm the executive director of the New Mexico Mining Association.

New Mexico has the second-largest deposits of uranium in the United States. As the price of uranium has continued to rise, so has the interest in New Mexico's vast uranium deposits. We have seen significant increases in uranium exploration in the last couple of years, and our association believes it's very important for the United States to reduce its reliance on foreign sources of energy.

We currently use almost 50 million pounds of uranium in the United States' nuclear power plants, and we should be producing most of that here in our own country. It's very important that permits be issued for new facilities in an orderly and timely fashion.

Our association supports the NRC plan to

prepare a generic environmental impact statement for in-situ recovery; we believe that this statement would be beneficial for informing the general public of the minimal impact from ISR mining and also because it could reduce the cost and time involved in assessing the common aspects of these facilities. It would allow the NRC staff to concentrate on the site-specific aspects of each project.

Our association supports the NRC updating the 1980 generic EIS for conventional uranium milling; it is out of date but could be easily updated to incorporate new milling techniques and technologies, as well as the environmental impacts.

The New Mexico Mining Association believes that it would be more beneficial to prepare an update to the conventional uranium milling GEIS independent of the preparation of a generic EIS for ISR mining. Our main concern is the negative effect doing both together could have on the progress by the staff on pending and future license applications. We would encourage the use of outside sources to supplement NRC staff.

And finally, it is the association's hope that a generic EIS for in-situ recovery and an updated generic EIS for conventional uranium milling will result in potential licensees being provided with up-to-date information and guidance on environmental impacts of ISR

and uranium milling that will improve future environmental evaluations and license applications. Thank you.

(Applause.)

MR. RAKOVAN: Thank you, sir.

Rosamund Evans.

MS. EVANS: Thank you for coming to Albuquerque to hear some of us. Most of the people here tonight that would be opposed to this program really had no advance notice that I know of; most of us heard about this, if at all, in the Journal this morning. I will address that in a separate comment. But it is very distressing that a process that was put in place to hear the public and to have a dialogue is being subverted, and I think our governor also issued a statement about that today.

Having generic scoping is, of course, very objectionable because, as several people have talked today, there are very specific reasons not to do that. If you have lived in the west as I have all of my life and you know a little bit about the geology as I do, you know that some of the statements that are being said here recognize that there is no protection of the groundwater.

The very important life of the west is in the groundwater. There is no protection for this kind of a mining process, where they pump chemicals down and then you hope it doesn't contaminate the rest of the aquifer.

In this room today, there are many people that have made a career out of promoting nuclear energy -- at well-paid salaries and career advancement. I recognize that. I respect that. There are many people in this room who expect to profit from the opening up again of uranium mining in this state and throughout the west and indeed the world.

There has been untold -- and I mean untold -- damage from uranium mining. I lived on the Navajo reservation for 12 years in two different places where people had mined. Now, you're going to say, This is a safer process. They were definitely not told that they were in an unsafe process, and they're not being told now.

There are ways to have energy independence. There are ways to have our country be energy-independent of oil, and, indeed, we will have to be, because there's not going to be the oil, but to dangle nuclear power as the solution and indeed coal mining as the solution is really allowing people, and a very few people, to profit enormously -- a very few corporations.

It takes six to ten years to bring a nuclear power plant online for producing electricity. There's an enormous amount of waste, there is an enormous amount of cost and the global warming that occurs during the mining, reprocessing -- if you're in the milling -- I should start

it the other way: The mining, the transportation, the milling, the building of the plants. And then you have the waste. And then you have the more energy that goes into the plant itself.

What we are also doing is allowing a proliferation of, you know, nuclear material, of plutonium, around the world. Uranium -- the reprocessing is being done in such a way that we are really putting ourselves at risk, much more danger, and contributing to global warming.

This -- my comments probably won't be even included because -- I think you try to narrow these. This is about scoping, and I'm really talking in a broader way and having a dialogue because what we should be addressing is, Do we really want to be spending what is now borrowed money on starting up nuclear power?

And of course, a lot of this is designed to go into nuclear weapons. Is this really what we are wanting to do now with the borrowed money -- because that's what it is in the US now, is this the path we want to take, and not whether we're going to have some short-term gain with a small job that puts our health at risk?

I'm sorry to have to say that, but that is what it amounts to. Thank you.

(Applause.)

MR. RAKOVAN: Thank you, Ms. Evans.

Cindy Ardito.

MS. ARDITO: Good evening. Thank you for the opportunity to speak tonight. I just want to say I've been -- my company, INTERA, has been involved in environmental closure issues associated with uranium mines since the late 1980s. And we find ourselves now --

Can you not here me?

MR. RAKOVAN: Just a little louder.

MS. ARDITO: Okay. Let me try this. Is that better?

We find ourselves now in the position of looking at some of these sites for opening uranium mines, given the changing conditions. And I appreciate the concern that people have been expressing here.

We've been tracking this issue for a long time. I think there's a lot of misinformation that's out there. I think there's a lot of emotion. And I think one of the good things that could come out of this process is what we're seeing here tonight, an opportunity for people to express their concerns in open dialogue and perhaps educating each other about what the true issues are and trying to get down to things that we can really agree to and come to terms with.

So I think it's an unfortunate choice of words

for the process. I think "generic" has a connotation that maybe does leave a lot of people cold and think of the K-Mart brand of an EIS. I don't think that was intended.

I think that there's an opportunity to collect a lot of information that can be valuable to the process in general that people can use and maybe help with the scientific soundness and efficiency of going forward and trying to do environmental assessments of these processes. So thank you again for starting this, and I look forward to more of these kinds of meetings. Thank you.

(Applause.)

MR. RAKOVAN: Thank you.

Floy Barrett.

MS. BARRETT: Yes. I'd just like to read -- my name is Floy Barrett, and I live in Albuquerque. And I'd just like to read part of a short comment from Governor Richardson, because he is not here tonight, and he does have a grave concern about this.

"Governor Richardson" -- this is dated August 1, just a few days ago -- "today petitioned the US Nuclear Regulatory Commission to reconsider its plans to create a Generic Environmental Impact Statement concerning newly proposed uranium recovery operations, including in-situ leach recovery facilities and conventional mills to be located in the western United States."

"The NRC has stated that the purpose of this is to aid in a more efficient environmental review for each separate license application. There is nothing generic about the concerns that many New Mexicans have with proposals to re-open or start new uranium mining and milling operations in their communities."

I'm still quoting: "I believe that this proposal will negatively impact the ability of New Mexico's citizens to participate in the NRC licensing process for individual facilities. Under the NRC's proposal, new mining activities and the public's right to comment on them would fall under one single generic environmental impact statement rather than individual statements on a site by site basis. Our citizens have a full -- have a right to full involvement in decisions that could have far reaching impacts on their homes and water resources.

"Given the concerns of many citizens in New Mexico about the public health environment and cultural impacts of new uranium mining, a process to eliminate public review of individual NRC permit actions in New Mexico would be disrespectful to our many sovereign Native American tribes and pueblos and the general public. This GEIS proposal would also be contrary to the State of New Mexico's public participation permitting process.

"In New Mexico's state discharge permit applications for uranium operations are evaluated in a case-by-case basis. And this individual review is particularly important for uranium. Such a review allows the state and the public an opportunity to address site-specific concerns. If uranium mining and milling are to resume in New Mexico, the state must be sure that the public is given a robust opportunity to participate in the decisions, and that all environmental water, resource, and potential public health issues are thoroughly examined for each operation."

And I think I have to agree very much with Paul Robinson about the fact that you can't do this in two minutes or three minutes, or two hours or five hours. You need a process that will take along time, and if you've been working on this preparation and just now we are getting an opportunity at this, we need a dialogue, we need to be able to talk to the people who are doing this to us. So I suggest that we look at many, many, many, many more meetings. Thank you.

MR. SUBER: First of all, I'd like to thank you for that comment. And this is scoping process, and we take that comment that you are interested in having more meetings about this topic, but I would like to make one clarification, and I mentioned it in my presentation.

The generic environmental impact statement is one part of the review. Each application that comes into the NRC is going to receive two other reviews. The one is a safety review that Bill Von Till's section is going to do, and one is the supplemental environmental review that the NRC is going to do.

So I just wanted to make the clarification that this generic review does not cover the site-specific aspects and that there is a site-specific environmental review that will be done for each and every license application. Thank you.

MR. RAKOVAN: Thanks, Ms. Barrett.

And thanks, Greg, for the clarification.

Next, Chris Shuey.

MR. SHUEY: So like Mr. Stairs, I'm a little height challenged so I'm going to use this here. You may be surprised that I actually agree with a comment that Mr. Stairs made, which points to the difficulty of a generic approach to these issues.

He pointed out and called for improvements in the generic monitor well approach to ISL operations. It's actually 400 foot uniform spacing, and all these ISL operations that we've looked at have ore bodies in much narrower channels than that. And so the issue is that you can still get excursions moving between monitoring wells,

and you'll never detect them until it's too late.

This is an example of what you, the NRC, has already done to reduce ISL operations to some form of generic cookie-cutter, you know, one size fits all. And this is why, an example of why, a generic approach is not going to be able to deal with all the site-specific issues that will arise in every licensing decision that you make.

You're careful to talk about the safety evaluation report that Mr. Von Till's office does, and Mr. Suber's office does the -- you said supplemental environmental review. None of you, unlike the gentleman from Neutron Energy, is the only one who's assured anyone here that that doesn't eliminate the need for an EIS for every licensing decision.

So you're being very careful. So this is why we're a little dubious about this approach, this GEIS, the generic approach, because it sounds -- and I think that several of the commenters from the industry side, have made this point pretty clear -- it sounds like it's simply a way to streamline a process, and to keep the public out.

As many of you know, we've spent 13 years, parts of 13 years, going through and in sub-part L, licensing adjudication over the HRI license. We learned a lot. I'm not supposed to say too much about it because it's on appeal. But we've learned a lot from that effort.

There is tremendous site-specific information at each one of these sites that has to be taken into account. It is a -- every license decision is a major federal action significantly affecting the human environment. That's the trigger for NEPA, and EIS. What you're telling us is, is that it's quite likely that we'll never see an EIS for any of these site-specific licensing decisions. That's what gives us heartburn about the GEIS approach.

My view is that you could spend your resources more wisely by conducting, through some sort of independent third party, an actual evaluation of ISL performance over the last, what, 35 years. The last published ISL evaluation that you did was 1985. The lead author was William Staub.

Well, gee, 14 years later he turns into one of the experts for our case in the HRI matter. Okay. Why? Because he was pretty concerned about the issues that he was seeing in a new application, some of the same issues that he had evaluated with -- on ISL performance back -- it was back in the '60s -- excuse me, the '70s and into the early '80s.

That has not been done. You haven't done an independent evaluation of this technique that you are now saying is going to be the model for the rest of the

industry from here on out. It's -- you have to understand that half my time is spent out in these mining impacted areas. Not just with mines that you don't regulate, but with mills that you do regulate, dealing with the legacy that has affected these communities and affected the people.

We just had, what, two months ago five families relocated from their homes for two weeks while six to 12 inches of radium-contaminated soils were removed from around their home so it'd be, quote, "Safe for them to live," sandwiched between two mines.

You know, you can talk about the benefits to McKinley County, or Cibola County, or Sandoval County. There's 150 some abandoned mines in McKinley County, nobody's making any money off of those right now. There's another at least 50 that we know of in Cibola County. The St. Anthony open pit mines are still open, they're still contaminating ground waters and surface waters on Seboyeta land grant draining into Laguna Pueblo.

There's no reason to believe that any of these impacts from the past have been addressed to the extent that they need to be addressed, while we're talking about doing a generic impact study that will generate very few site specific answers for you.

We -- as you know, you held meetings with,

what, HRI in April, Strathmore and Rio Grande Resources two days later, Homestake in between. Several members of the community took advantage of the opportunity to do that. We went along on one of the tours. People protesting in Crown Point took part in that to make it clear to you that the world doesn't just revolve around the regulated community.

My suggestion is, is that it's time to spend some time in the communities that have been affected. Learn and listen. Go to Mr. Ness's house and sit in his living room, sleep at his house for a while, while you're in the shadow of an unreclaimed mine 500 feet away.

It's really time to change the agenda from being what -- from giving the appearance of being supportive of the industry and start to support the public interest for what your statutory authority it's what you're supposed to be doing. Thank you.

MR. RAKOVAN: Thank you very much for that comment, sir.

Eric Jantz, New Mexico Environmental Law Center.

MR. JANTZ: Thank you. My name is Eric Jantz. I'm a staff attorney with the New Mexico Environmental Law Center, and I'm here on behalf of the Southwest Research and Information Center and the Haaku [phonetic] Water

Division of the Pueblo of Acoma.

The first thing I'd like to say is that the GEIS process that we're involved in right now is most notable, I think, for its absences. What's missing? I think the first thing and the most -- possibly the most important thing that was missing from this process is that there has been no, absolutely no public discussion about whether there should be a GEIS on this issue at all.

To my knowledge this -- it's been a foregone conclusion that a GEIS is going to be made and now, only now, do we get -- the public get to be involved in the process. And that's important, because the GEIS process, or a GEIS itself, doesn't do two very important things. It doesn't address site-specific issues. By definition it only addresses generic common issues.

So it's absurd to think that site-specific issues like hydrology, geology, cultural property, existing pollution, environmental justice issues can be addressed in a generic environmental impact statement that covers an entire region at least, if not the entire nation.

And my question to the Nuclear Regulatory Commission staff, and I think we deserve an answer, is what's left, what are the common issues that are going to be addressed, given that the site-specific issues can't be

addressed in the context of a GEIS?

Second, a GEIS is ultimately going to limit public input and environmental analysis. Again, Mr. Suber was very careful to note that a supplemental environmental review would be done, but he did not say an environmental impact statement. If the supplemental environmental review consists of environmental assessments, then public participation in those is limited, if not completely restricted.

And I think most importantly is that analysis is that by the NRC's own legal analysis, environmental justice analysis isn't required for an environmental assessment. That was made clear in its final federal register notice of its environmental justice policy. So I think for site-specific environmental justice analysis we can say good-bye, that in the event of a GEIS, at least the way things stand now.

Going to the scoping process itself, it's been woefully inadequate. The scoping process had not had any meetings in any of the communities. There's nothing been done in Grants, the Navajo Nation, the Pueblo of Acoma, the Pueblo of Laguna, South Dakota, Colorado, Utah, Virginia, the list goes on.

Casper, Wyoming and Albuquerque were the extent of the public comment periods to date. It would be good

to get a commitment from the NRC for widespread and far flung public community meetings.

There's been no indication that any tribal consultation has been done. As trustee for tribes, the federal government has a legal obligation to consult. That, to my knowledge, has not bee done. Again, a commitment by the NRC in writing to consult with affected tribes, or potentially affected tribes, is necessary.

There's been no indication of the track record of the ISL industry, as Mr. Shuey pointed out. And I think this is particularly important of light of Mr. Von Till's Powerpoint presentation which seemed to, with all due respect, to be more of a commercial for the uranium mining industry than an objective analysis of the industry itself.

And to that end I'd like to say that you can look forward to comments, written comments, from the law center on behalf of its clients. And to that end, I'd like to put on the record that we'd appreciate additional time beyond the September 4 comment deadline in order to submit those comments. Thank you.

MR. RAKOVAN: Thank you, sir.

Next I have Joni Arends from CCNS.

MS. ARENDS: Good evening everyone. My name is Joni Arends. I'm with Concerned Citizens for Nuclear

Safety, a Santa Fe based non-profit organization that has been watch dogging the Department of Energy in New Mexico for almost 20 years.

I have a couple of specific comments, as well as general some comments. I would appreciate it if the presentations would be available for us to have copies of in terms of the public participation, to be able to take those materials home and to be able to study them and to use them in my comments on the GEIS.

A lot of the presentations emphasize that the NRC wanted public input. However, this meeting was not properly advertised. As many people have said, they just learned about it today. That's not okay.

The *Federal Register* notice was releases less -- or a little bit more than two weeks ago. That's not enough time to allow for the public to, especially during the summer time, to come out and -- when people are on vacation, to be able to come out and make comments.

And as Eric Jantz said, and others have said, further scoping hearings need to be scheduled with more than two weeks notice. They need to be -- scoping hearings need to be held in impacted communities, not only here in New Mexico and Arizona and Utah, but also in the Black Hills of South Dakota.

The fact that the NRC did not go over to South

Dakota where there's a major -- also in a major boom for uranium mining is woefully inadequate.

And I just want to note that today is the 62nd anniversary of the bombing of Nagasaki, which was a bomb made from uranium.

In order to provide informed public input, the public needs a 60 day extension of time for public comment on the scope. We need more scoping hearings in the impacted communities. Okay. So now I'm going to start about specific scoping comments.

In the draft GEIS, you need to include specific examples of where industry has been able to restore ground water to meet safe drinking water standards. And you need to document that and you need to provide citations for that so that we can go back and look at examples where industry has met those requirements, because as far as I understand, industry has never met those requirements.

Secondly we need information as to using, in terms of this monitoring well network, we want to see what are the requirements for the sampling and analysis plan. What are the sampling requirements? What is the analysis requirements? Are you using the most sensitive sampling methodologies in order to find the lowest detection limit for any of these radionuclides or other solvents?

We want to see those numbers, we want to see

those methods, we want to see the numbers, we want to see the, you know, ATSM numbers, whatever numbers, we want to see those numbers because we want to find out if there's even lower detection methods out there. Because our organization works with the Department of Energy, and this is a little thing that they like to do, is they don't like to use the most sensitive detection, most sensitive analysis.

We want you to look at energy conservation. We want to look at how much energy can we save by conserving in this country, as opposed to opening up uranium mines again. We want to see that comparison in the GEIS.

And if you're going to use the global warming argument as justification for the GEIS, then what we want to see is we want to see a document that talks about all of the existing waste right now that hasn't been dealt with from past uranium mining, milling operations throughout the United States. And we want to see the path forward for all of that waste.

We want to see the numbers in charts, we want to see them in numbers that make sense to people, we want comparisons to football field size amounts of waste spewed all over this country. And we want to see that comparison to where the path forward is for the disposal of all that waste.

Finally, sir, you talked about a separate analysis with regard to the security. And what I want to -- we want to find out is, if you're going to do a security analysis, is it going to be like for the LES facility, the Louisiana Energy Services facility? Is it going to be that you have to sign a confidentiality agreement in order to review the security analysis, even if it's available?

So you need to state that in GEIS. What are the requirements in terms of security. What requirements need to be -- do you have to sign an agreement, do you have to be a party to any protest to that? How are we going to find out about how that security process is going to go forward analysis?

And finally, Mr. EPA, where are you? Would you please come to the Greater Than Class C hearing next Tuesday night in Los Alamos and talk about the Office of Radiation and Indoor Air, and talk about concerns about the burial of greater than class C DOE waste?

Because they're proposing to do that at Los Alamos National Laboratory located on the Paharito Plateau above the Rio Grande where detections of plutonium 238 have already been found in the Sante Fe drinking water supply.

So if you could come to that hearing, we would

appreciate it, and be as forthcoming to the Department of Energy about the concerns about public health and protecting the environment. We would surely appreciate it. So thank you very much.

MR. RAKOVAN: Andy Campbell.

MR. CAMPBELL: Yes, for -- to all those --

MR. RAKOVAN: I'm not sure if that one works. You might as well come up here.

MR. CAMPBELL: We did not want to bring 100 or more pounds of paper with us to hand out paper copies of the presentations. So we ask for your e-mail addresses and we will e-mail to you PDF files of the presentations.

We'll scope them down in font -- I mean, in the size of the file, so those of you that have dial up can receive those files. We'll make them small enough that a dial up person can receive them.

So if you haven't provided your e-mail address, please do so. That will also give us a database for future meetings, interactions, notices, and so on. We're going to try and build a database.

And one last thing, we will be building a website on the NRC's website and post these materials and try and keep people up to date. We feel that would be a good way to stay in touch with people rather than bringing hundreds of pounds of paper with us on the airplane.

Thank you.

MR. RAKOVAN: We have a question about -- if you're going to ask a question, I'm going to have to ask you to come to a mike though so we can get it on the transcript.

VOICE: Not everybody has computer access, internet access. So what are you going to do about people who want the information who can't get it by e-mail?

MR. CAMPBELL: I would hope that we would drop it in the mail to them.

VOICE: Okay.

MR. CAMPBELL: So provide your --

VOICE: Thanks. You should have made that clear.

MR. CAMPBELL: -- snail mail address.

MR. RAKOVAN: Michael Jensen.

MR. JENSEN: Hi. Michael Jensen. I work for Amigos Bravos. We're a statewide river and water protection organization up in Taos with an office here in Albuquerque.

What's driving this -- if you look at the national media, *LA Times*, *New York Times*, *Wall Street Journal*, if you look at some of the industry coverage of this, it's being driven by speculation, prices are being driven up by speculation.

And I would imagine that one of the things that driving the GEIS process is that getting a GEIS out is going to make it easier for speculators to start trade in permits. I don't think that we really need to expedite the process.

Also, out of concern for the NRC's limited staff time and budget, and the express concern by the conventional industry that the 1980 GEIS get reviewed, I would suggest that they just take this one off their table now until they get that one done and fit it into the time line of ISL production and the need perhaps some decades from now for more uranium.

Common ISL issues. The only common ISL issues that I'm aware of are not very good for the public health and the environment. And if we're going to have a GEIS based on those common ISL issues, learn from decades of analysis here and elsewhere, I would suggest, again, that perhaps in the interest of limited resources and time just take it off the table.

What else? Let's see, we work, to the extent that we work with mining issues, with the hard rock mining industry. And a study came out last year analyzing the U.S. hard rock industry and how permitting and remediation claims actually work out in reality.

The general conclusion of that report was that

you could flip a coin and get a better conclusion, a better guess about the permit living up to its stated claims. In reality, and I'm not saying that the mining community is pernicious or evil or bad, but in all sincerity, people put their best case forward, they make their stated claims, you know, for the -- as, you know, a regulated community.

The best case scenarios and the regulators, we all know they come from and they hope to go back to the regulated industry, because, my God, they pay a whole lot more, and what you get is permits that don't reflect reality and remediation that doesn't work.

That's -- the hard rock mining industry groups that work with other regulated communities can tell you the same thing. It's the way the process works. So take everything that you hear here with more than a grain of uranium. Okay.

Energy. NREL in Colorado, the National Renewable Energy Laboratory, did a study on the amount of U.S. energy demand that could be reduced through conservation and renewable energy. They put that report up on their website, and during the run up to the energy development plan out of Dick Cheney's office, that report was ordered taken down.

The conclusion of that report was that we could

significantly reduce energy demand in the U.S. through conservation and renewable energy technologies. Again, there's not a big press to do this, and in the interest of your limited resources and time, why don't you just wait a little while.

Jobs. I have an incredibly deep respect for the people who need jobs in these communities. I would believe that all of us on the environmental justice side of the equation here respect that because we actually spend a lot of time in those communities. We know what goes on in those communities. Please don't make this a jobs versus public health and environment issue. It isn't. Okay.

Study after study, including one that just came out last week, show that in the west recreation and tourism provide way more jobs, sustainable jobs, than the mining industry does. So if you want jobs, go to Senator Ulibarri and the other policy makers in your cities and your counties and ask them to go after those good, sustainable jobs.

The Western Governors Association this whole decade has been pushing for that they call the restoration economy. Abandoned mines, partially cleaned up mines, there are a lot of jobs available cleaning up the mess that has already been made. We don't need to make more of

it before we clean up what's already out there, and it provides jobs, good jobs.

ISL, you saw those presentations, there are a lot of machines, there weren't very many people there. It's not going to provide very many jobs. The jobs it provides should be well-paying, but it's not going to provide a lot of jobs. There were three cars in the parking lot in that picture they showed of the facility.

Okay. Thank you.

MR. RAKOVAN: Thank you for your comments, sir.

I just want to point everybody out that it's a little after 9:00 right now. We've still got a lot of people that need to talk, so we're going to try to get through them as quickly as possible.

If someone has made a comment that you are -- just want to reiterate or that you agree with, you can just go ahead and say that. It'll be in the transcript so we'll have all that language down.

Next I've got Ruth Armijo.

VOICE: Armeeho [phonetic].

MR. RAKOVAN: Arribo? Sorry. Sorry. This is an Ohioan trying to wrap my tongue around this stuff.

MS. ARMIJO: Okay. My name is Ruth Armijo. I'm president of the Juan Tafoya Land Grant, and I'm also a rancher from Mount Taylor area.

We leased our land for uranium mining. I'm all for uranium mining and support the jobs it will bring to our people. I hope that our nation can continue to depend on our resources and not foreign countries. Thank you.

MR. RAKOVAN: Thank you, Ms. -- aw, I'm going to -- I got it wrong right off the bat. I'm not even going to try anymore.

Melvin Capitan?

MR. CAPITAN: Good evening. My name is Melvin Capitan, Jr. I'm a geologist for HRI Energy. I just had a couple of comments.

First, I work with the EPA, NEMO EPA, for six years under the underground injection control. A couple of comments I have is that -- or anti-groups are sending out the wrong messages of uranium. Quit using annihilation, genocide, holocaust. The top three killers on the Navajo Nation is poverty, alcohol and drugs.

Another comment I have is, have you, the groups, media, have shown the Navajo people what the EIS is all about? I don't think so. I have asked throughout New Mexico and Arizona and Utah.

They don't know what an EIS is all about. You have to explain to it in Navajo to them, not only in a day, two, week, month, years. It takes some time to get grandma and grandpa to get so in with you to understand

what you're talking about. Thank you.

MR. RAKOVAN: Thank you for your comments, sir.

Rosemary Blanchard?

MS. BLANCHARD: Okay. I was coming here on my own behalf and I was given a paper -- I was given a set of comments by Mr. James Zion, who is an attorney representing the Nation Indian Youth Council and the Forgotten People, who used to be called the Forgotten People of the Bennett Freeze Area. And so I'm going to very briefly address their statement, because it's in writing, and so it can also be submitted in writing.

What in particular this statement addresses is the fact that there needs to be -- in each and every individual case of application for a site license there needs to be a robust environmental justice analysis. It's very, very briefly in your *Federal Register*.

But, in fact, in the areas in the Southwest where uranium has been mined in the past, where uranium miners have died, where water has been polluted, where ways of life have been affected, it's going to be necessary that you, in fact, address -- and they had -- they introduced me to something I didn't know about.

Executive order 12898, which is the executive order that requires that all federal agencies have a process for an environmental justice analysis whenever

they're activities are affecting minority populations and low income populations.

And I'd remind you there's another executive order, and I never can remember the numbers of these things, that specifically requires that whenever an action of any federal agency affects Indian people, that there has to be -- the agency has to have specific ways that it will interact on a government to government basis with American Indian nations to address those issues.

And so I think it's important to ask the question, how are you going to generically do that? And my recommendation, the recommendation of the statement also, is you probably cannot do that. You're going to have to look at the history of the effects of uranium mining on particular minority and indigenous populations in looking at what are the environmental justice issues that arise around those people.

Now the GEIS -- getting back to what I was going to say -- the GEIS is not in place of an individual analysis of the applications, but it is going to set the parameters for that individual analysis. There's going to be things that are not within the scope of what you look at in the individual analysis, because that wasn't in the frame of reference that the GEIS created. That's going to be a problem.

Now another concern, one speaker said the GEIS is going to have -- be a really good thing to have because it's going to be unbiased. And I hope, frankly, that we will all have access to the full transcript of this meeting, not only the transcript of what we, the public, have said, but the transcript of what the presenters have said. And not only what they've put up on the screen, but what they've said.

Because I think in what they've said, there's a question that certainly arose in my mind as I was taking notes about the unbiasedness of the presentation. In one case ISL was called -- I think it was Mr. Till who called it the wave of the future. Now the GEIS hasn't happened yet and we already know it's the wave of the future? That's sort of the cart before the horse.

In another case there was a description of how there was the requirement to return the water to the state it was before. And I've got to read the transcript to figure out how we got from there to where we ended up, but the last thing in that sequence was talking about how you get an exception to the Environmental Protection Act for the site where you're doing the in-situ leaching.

Well, if already you're talking about how you get an exception to the Environmental Protection Act, then are you really talking about restoring that water to the

state it was in before? How did those two things end up in the same little piece of the presentation? So I really hope we get to read the transcript too, and not just a transcript of the parts that we said.

Now, very briefly, I want to give two experiences from my own past. I am now a professor of education at California State University, Sacramento. Fortunately I still get to hang out around here in the summer time. But I spent six years working with the Navajo Division of Education, I spent eight years on the faculty of UNM Gallup.

In both of those situations I bumped into the consequences of the uranium mining of the past. I saw -- a student turned in part of a sociology project, had found a report from the Indian Health Service. Some of you may remember that there was a big uranium tailing spill at Church Rock and a lot of the water went down the watershed of Rio Puerco to the west and to the south.

I saw a report, a report published by the Indian Health Service. It was as official as they come. What it said to the traditional people along that waterway was that they could grow their sheep, but they probably shouldn't eat them. I'm not kidding. That's what it said.

Now I don't know how that translates into

Navajo, but it was a pretty cynical statement I thought. So did the student who used it as an attachment to their social problems report.

Before that I had been -- when I was with the Navajo Division of Education, I was in a meeting with the Indian Health Service, the Bureau of Indian Affairs, and some of us from the Navajo Nation about the people who were going to be living in the new lands.

Interesting thing, they were going to have to dig -- the Indian Health Service was going to have to dig deep artesian wells for those people. Why? Because the ground water, the aquifer, was so polluted with uranium tailings as a result of the spill.

We wanted to tell the local elementary school these kids were going to be going to, because they were using that water. The Indian Health Service said it wasn't their business to tell the school. The Bureau of Indian Affairs said it wasn't their business to tell the school.

Thank God there were a couple of us there working for the Navajo Nation who figured maybe it was our business to tell the school, so we told the superintendent you might want to check the water.

My question is, who's responsibility is it going to be to deal with failures of containment when they

happen? Will it be the Nuclear Regulatory Commission? Will they fix it? Will they clean it up? Who will be responsible? Nobody was responsible in regard to the wash down the Rio Puerco. Who will be responsible both if and when it's not as clean as everybody says it is?

Thank you. And here's the statements.

MR. RAKOVAN: Thank you. And I've got your statements.

MS. BLANCHARD: And I will be sending you a written version of mine too.

MR. RAKOVAN: Okay. Rick Van Horn?

MR. VAN HORN: I would like to yield my time to Ben House, who's here representing 14 allottees, if I could.

MR. RAKOVAN: You'd like to yield your time? Sorry. Could you come to a mic and say that so we can get that on the transcript?

MR. VAN HORN: Yes, sir. My name is Rick Van Horn. I represent Uranium Resources. I would like to yield my time to Benjamin House who's representing 14 allottees who've traveled all the way from Crownpoint to address this meeting.

MR. RAKOVAN: Okay.

MR. HOUSE: Mr. Chairman and members of the NRC Commission. On behalf of the Eastern Navajo Agency

Allottee Association, I'd like to thank you for allowing me to make a statement reflecting the uranium issue.

My name is Benjamin House, an allottee and president of the Eastern Navajo Allottee Association representing more than 400 allottee who own allotments or lands in the Eastern Navajo Agency. Allottees wholeheartedly supports the in-situ recovery mining of uranium on their properties.

As U.S. citizens, we have the constitutional rights to utilize our land in any way, any manner that we choose. We feel that we have been denied these opportunities because of lack of assistance from our elected tribal leaders.

We feel that knowledgeable and reasonable decisions by our tribal leaders are hampered by the continual interference and drummed up misconception of the in-situ recovery by Eastern Navajo Allottee -- Eastern Navajo Dine Against Uranium Mining.

Members of the panel, what we lack in the Navajo Nation are economic development and jobs. The Navajo Nation and its people have serious social problems with alcohol and drugs that result from lack of employment. We have the resources to improve our economy. A very important natural resource within the Navajo Nation is uranium.

New Mexico leads the nation in known uranium resources. The allottees, our neighboring Navajo communities, and citizens of New Mexico will benefit from a strong and needed economic boost. Some of us allottees and Navaho Nation officials have visited HRI's parent companies' operations. We learned they were clean, safe and environmental benign.

The proposed mining affects our environmental interest, but in our opinion and belief that there has been sufficient studies, particularly evidenced by a final environmental impact statement to proceed opening the mine.

The allottees appreciate and support the NRC's efforts on the generic environmental impact statement for in-situ recovery mining and milling. We believe it will separate facts from fiction and finally provide the truth about the methods so all citizens can make informed decisions. Thank you.

MR. RAKOVAN: Thank you, sir.

Danny Charley.

MR. CHARLEY: Good evening, ladies and gentlemen. My name is Danny Charley. I'm an allottee landowner. I just would like to say that I support ISL, in-situ leach mining, in our area because of the jobs that are needed. We have people -- we are in dire need of jobs

in our community.

We have people that are selling drugs just to make ends meet. People have to sell their stuff at flea markets to put bread on the table. And what about these people that are against uranium? Will they bring us jobs? No. They don't come to our community and see what's in our refrigerators. No.

Like the man said, why can't we all sit down at one table, at one table, and make something positive out of this? Why can't we all get together and work -- and make this work? Why do we have to instill fear into our people and say [speaking Navajo].

You know, we don't need to talk like that. Why can't we just all work together and make something positive out of this and make it work? Yes, we're going to -- it's going to put a good amount of money in our pockets. But it's also going to help our community, my community of Crownpoint.

I've known HRI for 20 years, and I myself, as an allottee, will not just sit there while something's going wrong. Before I sign the lease, I'm going to make sure that my people, my Navajo people, are protected first. I'm going to make sure that they're going to be safe.

We need jobs in our community, in our

surrounding areas. That's all I have to say.

MR. RAKOVAN: Thank you, sir.

Steve Cabaniss from the University of New Mexico.

MR. CABANISS: Thank you. My name is Steve Cabaniss. I teach chemistry at UNM, but I'm not here representing the university. I hope you'll forgive me if this sounds a little academic. I have here an NRC report published on the web in January; it was written by U.S. Geological Survey scientists at the request of NRC's Office of Nuclear Regulatory Research.

So, Mr. Shuey, Mr. Jantz, you both commented there had not been a systematic review of ISL, and that's true. This is not a systematic review; However, this paper does give two examples of completed ground water restoration at uranium ISL sites. One of them is the A-Wellfield, Highland in Wyoming, the second is the Crow Butte Mine, Unit Number 1, in Nebraska.

The A-Wellfield restoration took seven years, from 1991 to 1998. They further collected stabilization data until 2003, and in 2004 the NRC determined that the A-Wellfield had been restored in accordance with the applicable regulatory requirements. That's a quote from this document.

Well, what does that actually mean? What

does -- in particular, what does it mean to restore the water? Here come a few numbers, I can't help, but I'm a chemist, please bear with me. In 1987, before they started, there were 50 micrograms of uranium per liter in that ground water. At the end of mining that had gone up to 40,000 micrograms per liter.

And that was when they began the remediation. And they knocked that all the way down from 40,000 to 3,500. That's a factor of 10. That sounds pretty good. But the EPA does have, on these MCLs, the so called maximum contaminant level, but some idea of how low the uranium should before it's going to be consumed.

Their idea is with people, but I think the same level holds true for sheep. And their level is 30 micrograms per liter. So on one hand it's true, before these people started mining that water was high in uranium relative to the EPA expectation.

But when they were finished and when the NRC had given their approval and said this was restored, it was 30 times higher than the EPA level. It was -- excuse me, it was 100 times higher than the EPA level. It was 70 times higher than the level it had been before they began the mining.

I won't go through the other site in quite the same detail. I'll just tell you that that took nine years

total restoration and monitoring, and that at the end of it the restored ground water had 30 times as much uranium as it had before they started -- excuse me, 30 times higher than the EPA limit, 10 times than before they started.

So on the one hand Mr. Von Till has stated that, "We require that the companies restore the ground water to the way it was." Well, I think that's a worthy goal, but it doesn't seem borne out by NRC history and practice.

Restored should not mean less poisonous than mine drainage. Restored, I think, ought to mean safe to drink. But if it doesn't mean safe to drink at a minimum, it ought to mean that it's no worse than the water was before they started mining.

So, Mr. Charley, when you sign that lease, because I expect at some point you will have an opportunity like that, why don't you make sure that the people you're signing it with understand that the water, when they're finished, is supposed to be as clean as when they started. Thank you.

MR. RAKOVAN: Thank you, sir.

Okay. The next card -- and I apologize. It looks like Paul, either Frye or Faye.

MR. FRYE: My name's Paul Frye. I'm speaking

here on behalf of the Navajo Nation Attorney General. There will be written comment submitted later. I'll summarize some of the -- falling microphones -- some of the comments that will be submitted to the NRC.

First of all, greetings to a lot of people who I haven't seen for a while. My old client, Commissioner Becenti, [speaking Navajo]. The Allottees Association, you don't know it, but I represented you for 13 years in litigation against the United States, in part because the United States claimed to own the uranium under some of the allotments under the Atomic Energy Act of 1950.

And after the United States Department of Justice was found to be intentionally obstructing justice in that case it, it was settled so that the allottees now own all of the minerals, including the uranium under the allotments. And that was -- that litigation was funded, in part, by the Navajo Nation. I know we have our differences now, but the Navajo Nation generally supports the rights of allottees.

The findings of the Navajo Nation Council last year include the following, the fundamental laws of the Dine, the Navaho People, support preserving and protecting the Navajo Nation's natural resources, especially the four sacred elements, and it's the duty and responsibility of the Navajo to protect and preserve the natural world for

future generations.

Social, cultural, and natural resources and economic damage to the Navajo Nation from past uranium mining and processing is ongoing due to the continuing need for full monetary compensation for former Navajo uranium workers and their families, for their radiation and mining induced diseases and death.

I've heard some people refer to this as an emotional issue. You bet it is an emotional issue when you've got your family members dying around you.

(Applause.)

MR. FRYE: The Navajo government respectfully submits to the NRC that there is no other political or geographical area in the United States, and perhaps the world, that has suffered and continues to suffer from the environmental impacts of past uranium mining and processing to the same extent as the Navajo Nation.

So when we talk about a generic environmental impact statement that deals with environmental justice, it's either not going to work at all because that has to be dealt with on a site-specific basis for each of the proposed mining areas on the Navajo Nation, or it has to result in basically a no action recommendation in the environmental impact statement for the entire Navajo Nation.

In the Eastern Navajo Agency where the current activity is being proposed, there's a superfund site that the government has long been trying to clean up since 1979. There's a 100 million gallons of radioactive sludge going down the arroyo that everybody lives next to and their livestock inevitably graze in. There's no end in sight.

A few miles up the road from the superfund location, contractors under the direction of the EPA are conducting an emergency removal operation at a former uranium mine site that within the past few months required the temporary relocation of Navajo families.

So here's a few recommendations, and some of these come from personal experience, so they may not represent the views of the Navajo Nation. First of all, sort of borrowing from the medical profession, the first thing is to do no damage. In this process, let's make sure that there isn't misinformation given to the public.

I almost left to redo my last will and testament when I found out that the water at Crownpoint was already contaminated with uranium because I lived there for four years, and thank God somebody over in the site told me that that water actually is pure. And I was drinking for four years that water completely untreated, and it's pristine. It's not contaminated in Crownpoint.

(Applause.)

MR. FREY: Now I agree with the comments as well about supporting wholeheartedly the NRC in its standard that it will require the water to be restored to the level prior to the mining activities. So the environmental justice question is central to the Navajo Nation.

Ms. Bloedel asked a question that wasn't rhetorically, but it's easily answered. Is the NRC, after this experiment, the new experiment on the Navajo Nation is completed, is the NRC going to restore the water?

The water of the Westwater Canyon, which the presenters have said is the aquifer where this activity will take place, that water is pristine and it serves and area probably larger than the States of Rhode Island. I'm not exactly sure. But there's about a two million acre area that relies on the Westwater Canyon aquifer.

No, the NRC will not restore the water, and no, the BIA won't, and no, the EPA won't, and yes, the Navajo Nation's going to have to deal with this problem.

What is the NRC's record to date with respect to environmental justice? Well, we have one permitting decision that's been reached, and what it does, in my opinion, it ignores all of the past contamination. It says, We aren't going to look at the existing health

problems that people are now actually facing in the Church Rock area when we do this licensing decision and consider whether additional radiation exposure is going to harm them.

I think that kind of sweeping the past under the rug does not comply with the environmental justice responsibilities of the agency. There has been no consultation to my knowledge with the Navajo Nation, despite the executive orders, and despite the trust responsibility.

So the Navajo Nation will, I think, urge that the NRC examine all of the alternatives. One of the alternatives is not more coal, not more uranium, but some other kind of energy. Someone said that there is no such thing as a clean energy source.

Well, you know, I get sunburned and maybe that's the reason the sun isn't clean, but there's solar energy, there's wind energy, there's conservation, there's all of these other things, and the NRC should examine those.

(Applause.)

MR. FRYE: It should examine quite seriously in the context of the GEIS the no action alternative, especially for the Navajo Nation.

And, let's see, finally, the site-specific EIS

should be required in all cases because the conditions are site specific, the environmental justice issues are site specific, the geology and hydrology are site specific, and real people depend on this aquifer for their very existence. Thank you.

MR. RAKOVAN: Thank you, sir.

I'd just like to point out that it is after 9:30 at this point. I just want to compliment everybody for sticking around this long. It's very impressive and it obviously shows how important this issue is to you.

We're going to keep on going and try to get through everybody. If people could please remember to be brief. I've still got a stack of speakers and I really do want to try to get to everybody. I'm not sure what happens at 10:00 though, so I'm hoping to be done by then.

Having said that, Leona Morgan? Leona Morgan, are you here?

(Pause.)

MR. RAKOVAN: Oh, I'm sorry, I didn't -- there's movement throughout, I didn't see someone approaching.

MS. MORGAN: Good evening. I'd like to thank everyone who stayed and is listening to all of our comments. And I'd like to thank the presenters here this evening. [Speaking Navajo] Leona Morgan [speaking

Navajo].

Hello, my name is Leona Morgan. I am a resident of the Navajo Nation and New Mexico. I am a recent graduate of UNM, and I am also the lead organizer of the organization Eastern Navajo Dine Against Uranium Mining. And I am here to make comments on the generic EIS that has been proposed by the NRC.

First of all, I'd like to ask for an extension of the public commentary period. I believe that with a release date of July 24, and given the time up to September 4 is not sufficient time to inform all of Western United States that we have time to make comments about this supposed generic EIS. So please, I'd like to have that commentary period extended

Also, I'd like to speak to a comment made by, I believe, Von Till earlier today. There was a statement that was made about the already polluted sources of water. And I know that's not true because where I work in Crownpoint, New Mexico -- Crownpoint, New Mexico has some of the most pristine drinking water, and that's water that I drink, that's water that I know my family gives to their animals, and I know that's water that we use on our plants.

So for someone to say that the water is already polluted, that is just not true. I know there's people

that have been researching it and have done testing on test wells, and that their tests have concluded that the water level -- the uranium in the water is at a safe drinking level, which is less than one part per billion. So that is false information that the water is already -- in that area anyways, and that's us, where I reside.

Another comment I would like to make about false information being given out by the organization, ENDAUM, and this was a comment made by Ben House, the president of the Allottees Association.

If anyone has any questions about any of the information distributed by ENDAUM, I will be happy to rectify any questions or concerns that you might have about misleading information, because that is also a false statement.

And I can direct you to a website, a SRICs website. They're an organization that we've been working with who has been researching the uranium mining in the area for many years, longer than I've even been alive, and their website is, www.sric.org.

And I just want to make a comment to the recent incidence of -- well, someone mentioned it, the recent anniversary of an incident at Church Rock, which was the uranium tailing spill that happened on July 16. And I believe this was an action that took place where many of

the residents in the area had no idea of the harms of the uranium mining.

And that is also the current situation of today. I am 26 years old, and I'm learning -- I'm just learning about all of this, and that's where I live, this is where I want to raise my family, and this is how the United States, NRC, is approaching us is to tell us that our water is already polluted and that we're going to come in and help these companies to get through this process much quickly -- much more quickly because we need the energy, I guess. Or maybe we need the resources for weapons manufacture. I'm not sure.

However, I'm coming to make a comments specifically on our land as Navajo people. We as a nation have had a ban on uranium since 2005, and I believe that this proposal to create a generic EIS that will help uranium mining to continue is a direct assault on our sovereignty as a Navajo Nation, as native peoples.

And this is a common theme that has been happening many, many, many years, and it's been happening all over in every indigenous culture, in every indigenous nation, that is affecting all of our cultures.

And, yes, I do believe that it has affected our cultures, not only at the time when there was the spill we were told not to eat the sheep. There's a lot of other

things that involve the use our animals, we use the whole animal.

And I understand back then they told some of the people you can't eat the intestines, or you can't do this and that. Well, that's also a direct assault on our way of life, which is believe is our first amendment right as American citizens is our right to practice our religion. And though the Navajo culture may not be considered a religion by the U.S. standards, that is how we practice our belief, our belief systems and how we live.

And so the United States, NRC, to help these companies to do uranium mining, especially proposed mining on a sacred site such a Mount Taylor, it is atrocious because this is not only contesting our sovereignty, this is affecting our culture and our way of life, and the future of our generations who will not be able to learn the traditions the way they were meant to be taught. The -- Mount Taylor is a sacred -- one of four cardinal directional mountains, one of six sacred mountains of the Navajo people.

And I would like to further comment that there's not been one single mention of tribal consultation that I can think, that I can attest to right now, and so my question is to the NRC, and my comment is to work with

all of the tribes. There's Navajo and there's many other tribes, not only in New Mexico, but in all of the Western United States. And to do a generic EIS is to undermine all of the site specific situations that each tribe and each environmental area will -- how they will be affected.

And I'm sorry, but earlier someone mentioned emotion, and, of course, this is a very emotional topic because you're talking about my people, you're talking about my future.

And, yes, we need jobs, there is a lack of economic development on my reservation, and that doesn't mean that we need to run to uranium mining to -- just to come to -- try to come to a resolution to the economic development problem. The problem with economic development is an internal problem that we have a nation.

However, that does not mean that uranium mining is the answer. There's solar power, there's wind power, there are other sources of renewable energy that we need to look toward before trying to consider polluting and destroying more of our pristine waters.

Not only the aquifers and the waters will be affected, but the entire -- everything that drinks the water. That's all life. That's all of our plants, that's all of our animals, and for the future.

I don't know how much of you guys have seen the -- if anyone watched the "Nova" special on Tuesday night about the -- was it the epigynums. Well, not only are things affecting our genetics by what we eat, but there's environmental impacts that have not been studied. There are health studies that have not been completed. There are people who have died because of cancers caused from radiation that have been studied.

And I'm asking the NRC to consider all of these effects before thinking about even considering to create a generic EIS statement. There are too many issues to look at to try to create a generic EIS. That doesn't make sense, and I think the purpose for EIS was to study the environments, and there is nothing generic about our environment. [Speaking Navajo].

MR. RAKOVAN: Thank you, Ms. Morgan.

Hildegarde Adams?

MS. ADAMS: It is getting late. I'm going to keep my comments very brief. I'm totally opposed to any more uranium mining in New Mexico.

I think New Mexico has already made plenty of sacrifices on behalf of the nuclear industry, and I'd like to see no more. And I also think native people in our area have made enough sacrifices. Thank you.

MR. RAKOVAN: Thank you.

Shrayas Jatkar?

MR. JATKAR: My last name is pronounced with a J, to confuse you some more.

My name is Shrayas Jatkar. I'm here as an outreach resident of New Mexico, and I'd like to start off by first saying thanks, as many other people have, but not thanks to the NRC. Thanks to all the people who have been in this struggle for many, many decades and who have forced agencies like the NRC to be legally obligated to hold public meetings like this.

Oh, come on, you can clap.

(Applause.)

MR. JATKAR: I want to keep my comments to things that have not already been said. First I want to talk about the cumulative impacts that need to be taken into account. In the area where the uranium mining is being proposed, there's already two existing coal fired power plants, possibly a third.

We're also talking about pit production that triggers nuclear weapons being more in production at Los Alamos with its constantly expanding its operating permit to expand, include more and more waste.

And the uranium enrichment facility is opening up in Eunice, and that's not to mention all the other possible nuclear facilities, reprocessing plants somewhere

else in Southeastern New Mexico, and somewhere -- nuclear production here at Sandia in Albuquerque.

And so the cumulative impacts needs to be taken into account when we talk about -- instead of looking at all these in isolated incidences. And when we talk about cumulative impacts, or impacts in general, I think people may not -- nobody has spoken to the fact that doses -- when we talk about radiation doses, those are considered only for what they call a reference man.

And a reference man is defined as being between 20 to 30 years of age, weighing 154 pounds, is five feet seven inches and lives in a climate with an average of from 10 to 20 centigrade. He is a Caucasian and is a Western European or North American in habitat and custom. These are not my words. These are the words of the International Commission on Radiological Protection.

That means to say that the people of New Mexico are not mostly being taken into account when we talk about the acceptable doses of radiation. We need to be setting standards for the most vulnerable in our society, women and children who are much more affected by smaller doses of radiation.

And I also want to make another case about environmental justice. Hopefully environmental justice is considered and it's also taken into account. And I think

if it's taken into account, we'll find that there is no excuse for more uranium mining in this state.

And I think I want to also focus on the benefits of clean energy, or real renewable energy, because most folks have been mentioning it, but I want to give some numbers to folks who may be thinking that that's just fluff language.

There's a report by the Union of Concerned Scientists, I've got many copies with me, if you want one let me know. If New Mexico had a renewable electricity standard of 20 percent by 2020, which is really nothing. You know, people have said that New Mexico has the second largest, you know, uranium deposits, well, we've also gotten the second largest solar potential in the United States.

And if just 20 percent by 2020 of renewable electricity was supplied to people, there would be 2,860 new jobs, $2.21 billion in new capital investment, $100 million in income to farmers, ranchers, and other rural landowners, $71 million in new local tax revenue.

And in terms of consumer savings, that's everybody, $190 million in lower electricity and natural gas bills by 2020 growing to $390 million by 2030. And the impact on global warming would be a reduction equal to taking 36.4 million cars off the road.

And that's only 20 percent renewable energy. We've got a lot more potential here in New Mexico.

The other thing I want to talk about is water. People are talking about these things again in isolation, but folks have probably heard about Desert Rock, a proposed coal power plant. Desert Rock would use four and a half million gallons of water per day. Per day.

And so I think when we talk about the impacts on our water resources and other natural resources, we need to take all fo these things into account, because the nuclear industry is a huge consumer of water from the mining and milling and to the production.

And with that I'd like to close by offering a new initiative that I think we should be launching, which I would like to call the NMPTP, that the New Mexico Potty Training Program. And I think that needs to be held for the companies who have already polluted our water, our air.

And, you know, I mean, I know that folks are probably individually potty trained, but I think we need to be doing that at an institutional level. Okay. We should be cleaning up the waste before generating more. And if anybody wants to talk to me about the NMPTP, I'll be in the back.

MR. RAKOVAN: Thank you for your comments.

Laura Watchempino. Laura Watchempino?

VOICE: She's coming.

MR. RAKOVAN: Oh. Okay.

MS. WATCHEMPINO: [Speaking Navajo] My name is Laura Watchempino, and I work as a water quality specialist with the Pueblo of Acoma. I wanted to remind everybody that may not remember what the purpose of the National Environmental Policy Act is. I think sometimes we lose sight of this very important goal, and that is to restore and maintain the environmental quality to the overall welfare and development of man. That's everybody.

The -- NEPA declares that it is the continuing policy of the federal government, in cooperation with state and local governments, and other concerned public and private organizations to use all means and measures, including financial and technical assistance, to foster and promote the general welfare, the conditions under which man and nature can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations of Americans.

It is the responsibility of the federal government to use all practical means consistent with other essential considerations of nation policy, to fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.

And this is something that we have to look at in a bigger context, perhaps even a whole millennium that native peoples have survived in their homelands here in the Southwest.

The area that I wanted to talk about is the area surrounding Mount Taylor, a sacred site. And as you can see, it's a very prominent geologic, historic, cultural feature in the Southwest. Many watersheds emanate from this mountain. This is our life blood here in the Southwest, both surface and ground water.

And some of the areas that are being looked at to the west of the mountain will eventually flow into the Rio San Jose, the life blood of the Pueblo of Acoma. We're directly downstream. We've lived through one -- several decades of mining in the 1960s through the 1980s.

We've suffered the health impacts, we've suffered the effects on the river, wildlife, plants, vegetation, water quality, have all suffered and we're continuing to see these effects into the new millennium.

This watershed surrounding Mount Taylor is a principal watershed, the ground water and the surface water, for all of Northwestern New Mexico. This wasn't known at the time, or if it was known it was ignored during the original mining boom beginning in the 1960s through the 1980s.

This is something we want to protect because we're thinking of future generations. The generations who will come after us into the next millennium. This is a big responsibility, Nuclear Regulatory Commission, as a trustee for future generations.

The impacts that I'm talking about are environmental justice impacts because if you're looking at a generic impact statement for this area again, yes, we have been impacted. Our water is one of the watersheds that has been impacted, and if you restore it back to the way it was, we've already been told we don't know, it's already contaminated.

We have a superfund site at the end of the San Mateo watershed that you know you're looking at remediating by expanding it because you have not been able to contain the contaminant plume. We're downstream. And probably the only reason that we haven't really, really felt the true impact is because the river is dry upstream of Acoma.

All this ground water dewatering, or mine dewatering, has sucked the river dry above Acoma. So there are many, many impacts, in particular the ground water so connected to our culture and our way of life at Acoma that you need to address both culture and ground water. This is something that a generic environmental

impact statement cannot adequately address in our responsibility as trustee for future generations.

So I'll leave you with a copy of a statement from Acoma that I believe you already have in your record, and a companion resolution that was adopted by the All Indian Pueblo Council earlier this year during the month of June.

There was one last year during the month of December, but this new one really highlights the impacts to regional ground water, the La Jara and San Mateo Creek drainage areas of the mountain to the west of Mount Taylor and the cultural properties within this area that are -- will not only result from any future mining or milling, but that are resulting right now from the exploration that's going on.

People don't realize because we look at -- we've been told this is a minimal impact activity, exploration. But these exploration drill holes are going 2,000 feet deep into the base of Mount Taylor, or the surrounding area of Mount Taylor. This is a desecration. The is a desecration to all the cultures that depend on this sacred mountain, this feature that will be here long after any of us are ever here.

And that's something you need to look at. It's probably impacting several aquifers besides the Westwater

one that was mentioned earlier. And this is allowing pathways for water to migrate both upward and downward. Cleaner aquifers may be affected by polluted water. And the exploration itself needs to be addressed.

So that was mentioned by the All Indian Pueblo Council, as well as a request, or a demand, for consultation with the tribal communities that you're impacting so that we can state our request that this whole area be declared unsuitable for mining activities due to its widespread cultural significance as a sacred site by all the tribes here in the Southwest, including the 19 Pueblos, the Hopi, the Navajo, the Hickoria Apache. And I'm sure there's other tribes that I haven't mentioned because this is such a sacred site.

And I believe that all the wisdom of the native peoples that have lived here for many millennia is the knowledge of the watershed and the ground water resource is contained within that, as well as the importance of all life, not just human life, but the plants, the animals, the air we breathe, and other elements.

So thank you for this opportunity.

MR. RAKOVAN: Thank you.

We've got a few left and so let's try to get through these quickly if possible.

Eliza Pintor?

MS. PINTOR: My name is Eliza Pintor, and to ensure that all of our people who are directly affected by this get a chance to talk, I'm going to yield my time to Esther.

MS. YAZZIE-LEWIS: Good evening. You all still awake? I'm ready to go to bed. It's past my bedtime.

(Laughter.)

MS. YAZZIE-LEWIS: Ya at eeh. I didn't like that answer. Telling me to go home? I'm here to express myself and my life being a part of the Navajo Nation. I'm Navajo. [Speaking Navajo.]

I've worked with Navajo people that have been affected by uranium, that are out there still trying to struggle to get some kind of payback for the life that they have suffered for their families. They're fathers, they're brothers, and they're uncles that have mined in these mines out in the Four Corners area, in Shiprock, Utah, Colorado.

You know, this evening, I was watching people getting water from those orange barrels back there. How many of you got water there because you felt like you needed a drink? And when you got that water, you felt safe to get that drink. Right?

(Pause.)

MS. YAZZIE-LEWIS: Right? You don't want to go

over there and get that water if there's something in it. Right? Well, I would like to know that if I go to a well on the reservation -- where all the Navajo people go to haul their water a distance -- some of them have to go into Gallup just because their water's polluted. Some of them have to go a long ways.

I know. My mother and my father -- they all hauled water. Even my sister today hauls water because of her livestock, just so that she can have water in her house. We don't even have running water where we can take a shower and wash our face every day; we have to have a wash basin to pour a little bit of water in there. No -- who has lived like that? I'd like to know who lives like that in this group right now.

(Pause.)

MS. YAZZIE-LEWIS: We all get to go to the bathroom, wash our hands, go to the sink and drink our water, and we feel safe. Right? We live in that comfort zone of security. Right? Some of our people don't have that privilege. We don't even have good roads. When the rain comes, we have to struggle in the mud.

You know, you talk about your GEIS -- acronyms -- BIA and others. And so I see that, you know, we have people here that say, We're for uranium. And it's really hard for me to say that I'm for uranium when I see

my own brother losing his teeth because he was working in a mill. It hurts.

What are we going to do? In Navajo life, elders have said, Don't ever mess with anything if you don't know how to make it right again. How are we going to make it right once we disturb something that is dangerous, that's hazardous, that is not to be fiddled around with? I don't think any of us here would want to be a part of that. I don't want to be a part of it.

And I speak like this because it affects my people. We've got dollar bills and human people over here. And I've heard testimonies of Navajo people that your life is not worth a dollar. Your life? Once you're gone, you're gone. Money won't buy it back.

Have I heard anything else somewhere? Has somebody given me something different to say that money will buy a human life back? We hear of cloning, but I don't think -- even that Navajo people feel is a tabu. There's something wrong in that. It's not right. It's not natural.

And so we forget all these things that bring us here. And we think that, having to, you know, herd sheep and having to be out there doing for ourselves. There was a time in my life when I grew up -- and money wasn't even a part of my life. I didn't know that money was a value

until I went to school, until I graduated from high school and realized that I had to work for money in order to sustain my own life.

But I grew up in a time when my father had a farm. My father had livestock. And we could go onto the farm and pick our own carrots and pick our own vegetables, and nobody said, Give me some money. And we traded. And we were all happy.

We've come to a time in our life when we now feel like the more money we have, we feel that we can look down on others. I live with it every day, and I understand it. And so my feeling is I don't believe in uranium, because uranium has done a lot of harm to my immediate family. At the time we -- my brother used to feel it was safe.

I was a little girl when we used to go up to Mexican Hat thinking that that was the thing, because it was money. Yeah, my brother worked, gave money so that we could have school clothes at this time of the year to go back to school. But you know what? Today, like I said, he's suffering.

But, you know, there are a lot of people out there that are trying to get funding, and there's so much red tape that they can't get any money for themselves. And they are dying off. That's the consequence of it.

Right here at the surface is money now, but [speaking Navajo]. In Navajo, that's what they say: In the future -- it is unknown, the consequences of what things will bring, because in our lifetime -- when I grew up, my elders used to say [speaking Navajo].

The people we come from [speaking Navajo] they prayed for us so that we would have a life. Now from here [speaking Navajo] into the future, the generations to come [speaking Navajo] we're the ones [speaking Navajo]. That's what they say. We will think for them. We will make the decisions on their behalf so that they can have a life where we are now.

The young people will stand here to say this is the way it was. This is how it was. [Speaking Navajo].

I wish you were all Navajos so you could understand just what I said, because I sure feel good about it.

(Applause.)

MS. YAZZIE-LEWIS: I appreciate you listening to me. I think you know what I mean. I think here -- these people here that have come -- I say, These people. They work for the government. They work for NRI. And so, you know, they're companies.

There's so much competition out there. There's so much out there that people want. It's a time of

grabbing opportunities, and stuff like that. And so I think in our future and in our time -- I feel like if I don't come up here and say something, what will the future be like?

And, you know, the other night -- and I'm going to end with this. The other night, we're all here -- we all carry around bottles of water. Right? We buy them in stores. Am I right? How many of you carry water and you feel like that's what you need to sustain your life for that day or that moment?

(Pause.)

MS. YAZZIE-LEWIS: Nobody? I'd like to see all the hands go up, because I know you all drink water -- we have to have water -- not unless you're drinking soda and other things that aren't water.

But, you know, I saw on there that everybody was buying these bottles of water and feeling like this is their security. And we see all the labels of where the water is made pure, clean, but then we found out it was tap water. That's what I'm talking about.

Have a nice evening. I hope you take to heart what I said. Thank you.

(Applause.)

MR. RAKOVAN: Thank you very much for your comments.

I've got a few speakers left.

Annie Sorrell.

MS. SORRELL: Good evening. I know it's late, but I'm glad you're all still here to listen to our comments. I thought I'd have to turn 67 before my time comes.

I'm 66 years old, and I am an allottee from Crownpoint. And I always say that I know everybody's bringing their own ways of living, everything. I live about maybe a mile-and-a-half from a mine, and I grew up and did some herding of sheep when it was going on -- all the dust, everything. And when we'd come to a puddle of water, what did we do? Just blow and push the bugs away and drink it.

And the same thing -- we had a lot of cactus around where my uncle Wilson Sittee's mine was. And we'd just dust off all our cactus and just eat it for lunch. Now where in the world -- it's just nothing but cancer killing people. People died from uranium. People died from diarrhea. I know. I've lost about -- three brothers with that.

There's different contaminants that came around when we were young. My mother had 15 children, and she lost five because of drinking, you know, from where water wasn't purified. But somehow, we just don't think

everything is cancer. Not everything. And I always say that the Lord has provided a land with richness. Why can't we use it?

Just like pertaining to our government -- you know, back in the 18 -- 1989, people had pushed good leaders out of their offices. And I know within the four years -- I don't know how many chairmans or presidents we had. Today, they can't plan what our future's going to be like especially for our young people. We see how many thousands of graduates every year? Who talks about their employment? Who talks about their scholarship being available?

You know, I always think that I was one of the lucky parents. During the '70s and '80s, we had a strong, strong president. Chairman we call it, not president. Well, let me tell you. They scratched services. They scratched service for scholarships. They just happened to be available. As long as the child was making 2.5, they were eligible to get scholarship.

And I sent all my children to college, and they had the benefit of getting their degree. They have their jobs today, and they have their families. And let me tell you I was the one that was put into prison. I spent five years in prison for what? I didn't steal money. I didn't sleep with anybody else. I just protected my family, and

this is what was done to me.

What kind of leaders do we have that can't plan but throw people in jail for what they want for their people? I don't see any other president has a plan. Today, we're down to zero, with a zero fund. They're not doing anything but buy a piece of range for so many thousands of dollars. That is ridiculous. That's why we're searching for money. Eastern Navajo can help by replenishing a revenue back to the tribe and help them out. That's what I'm for. I am for uranium mine.

(Applause.)

MR. RAKOVAN: Thank you.

Anna Frazier.

MS. FRAZIER: [Speaking Navajo.] Good evening. My name is Anna Marie Frazier, and I'm from Delcon, Arizona, from the Navajo reservation, southwest part of the Navajo Nation. And I work with Dine Citizens Against Ruining our Environment.

And I only heard about this generic environmental impact statement just this morning through the internet, and it just so happened that I was coming to Albuquerque from Delcon. And so I'm here this evening. I did not prepare any speech or anything like that, so I'm going to be speaking from my heart. It could be in anger or it could be whatever.

So because -- I have worked with people on the Navajo Nation for the past close to 20 -- over 20 years on environmental issues that have affected their lives, their land, their way of life and everything -- you know, just affected their health in every way you -- every sickness or whatever that came around has affected them. And the main thing was mostly cancer.

And I've worked with -- on the Radiation Exposure Compensation Act back in -- for about maybe six years. And we were very involved in amending that bill.

And so -- and we also worked with the Blanding White Mesa Uranium Waste Facility, where -- the people there in White Mesa, Utes and the Navajo people down there in the Aneth, Utah, area did not want any more uranium waste coming to the area there in White Mesa, near Blanding, so -- because they were afraid that it might contaminate their water, their drinking water, because they lived downgrade from the facility there, so -- and then also, with the Radiation Exposure Compensation Act

To work with these kinds of people that have been affected by uranium mining, contamination from the radiation from uranium mining -- it's very, very devastating to work with these people, because they are hurting and because many have lost their loved ones. And today or back when we worked with them about ten years

ago, I mean they were carrying oxygen tanks around, and all these things.

I mean it just really hurts to work with these kinds of people. And they are my people, the Navajo people. And when we worked on this issue on the Radiation Exposure Compensation Act, we did not only work with the Navajo people. We worked with people from four states -- that was Colorado, New Mexico, Arizona, and Wyoming, and people also from the state of Oregon.

And we all banded together because we were all affected by radiation contamination. And we all were able to come together and to amend the RECA to increase the compensation for our people that were only getting -- I think it was 100,000. So we upped it to 150,000, and we also included the downwinders from our Navajo area, the Navajo County, Apache County and all those other counties there.

And the devastation of -- the encroachment of uranium mining has really left our people just really devastated -- their way of life, their land and their health.

And I guess what I want to say is that to open this uranium mining back up again -- although you might say that it's safe with the in-situ mining and whatnot, our people, the Navajo people, say that, How do you know

what it's like down there underground. You may be scientists and whatnot, but you just really don't know whether it's really truly not going to contaminate the water.

These are some of the elders that talk this way to us. So the same way with the Desert Rock Power Plant that's being built -- you know, it's the same thing, you know: People wanting to get coal from underground and to bring it to surface. And it's contaminating the whole valley of Four Corners.

And so what I want to say is that we know that the groundwater is going to be contaminated and it's going to be permanently contaminated if it does ever be mined, because you don't know, you know, how it's really going to work. I don't know if it ever has been proven.

I know that there was one mine that was down in Texas that I heard about -- in-situ mining -- and then also the site-specific that other people were talking about here. Yes, there is a lot of difference between, you know -- off the reservation, you know, even out here in this area. Throughout the whole United States, there's a lot of Native Americans who live throughout this whole country, and there's a lot of artifacts that have been left behind in those areas. So that's where the environmental justice issue should come in -- the law --

to protect those areas.

And so that's where the difference is with the site-specific, instead of developing this EIS as a generic policy -- I don't think that's really right. And then the community cumulative impact to the community people there? There's history that tells us that this uranium is dangerous, a history of it. Those studies ought to be done, and the should be included in the EIS, as well.

And then the cleanup. We have experience not only with the uranium, but also with the oil companies. Oil companies come in. Uranium companies came in -- Kerr-McGee and all those companies -- and they left. And they left all these holes in the ground. And they have devastated the land on the Navajo reservation -- the oil companies. And they left and left the people in the area to hold the bag and try to clean it up, but there's no money.

And that ought to be something that NRC should put that money in there just like we did with -- when the -- when we amended the RECA, the Radiation Exposure Compensation Act. We had to ask for billions of dollars to study the uranium on the reservation and how it affected the people.

MR. RAKOVAN: Please try to wrap it up.

MS. FRAZIER: Okay.

And then I agree with Leona about extending the public hearing for this, because I came from Arizona and I haven't even -- never heard about -- that there was going to be public comments regarding this GEIS. So that's it. Thank you very much.

(Applause.)

MR. RAKOVAN: Amadeo Martinez.

MR. MARTINEZ: Hello. My name is Amadeo Martinez; I'm a future heir of the Juan Tafoya Land Grant. I support the GEIS because I feel that it will allow permitting of new facilities while watching over environmental impact for the future generations like myself. I feel that everyone is looking to the past and we need to protect our future.

And I would like to add that all these groups that are completing surveys on lands that were polluted have never come to my community. In my community, we raise crops and cattle, and none of this is polluted. And we are a uranium area. I live in between both a mill and a mine, and it's still safe today because our people have protected it. That's all I have to say. Thanks.

(Applause.)

MR. RAKOVAN: I had two people sign up as maybes: James Thief and Hank Bruce. Since these are the last two cards I had, I wanted to extend an invitation to

them to take the stage.

Hank Bruce and James Thief?

(No response.)

MR. GREENSLADE: I'm Jim Greenslade. Is that who you have?

MR. RAKOVAN: I'm sorry?

MR. GREENSLADE: I say I'm Jim Greenslade. Is that who you have?

MR. RAKOVAN: Yes -- well, yes. I've got -- James Thief and Hank Bruce are the two cards that I have. I'm sorry.

MR. GREENSLADE: Well, do you want me, or not?

MR. RAKOVAN: Do you wish to speak, or not? These are the last two cards that I have.

(Pause.)

MR. RAKOVAN: If you could, give us your name, sir.

MR. GREENSLADE: I'm Jim Greenslade. You know, it's kind of a wonder, when you're the relatively last speaker, how the things that you thought you were going to say get changed, and some of them don't. I was a uranium miner. I worked in Moab, Utah, and Grants for 31 years total. And so I know a lot of the problems.

(Applause.)

MR. GREENSLADE: And I know a lot of the

problems that the NRC is getting tonight. And I guess, to sum it up, in my point -- it may be wrong, and it may be right, but the way I see it, right or wrong -- we need to have the NRC as quickly as they can -- and if they need more people, let's get it done, both for the people and the companies that may be able to do the mining in a safe and good way.

You know, we've been talking about energy since 1973. We've been mining uranium in the first big deposit by a fellow named Charlie Steen in Moab, Utah. And that was in 1954 when I went there. The same problems are here. And with all of the technology and all the people we have, can't we get some of these things done for the Native Americans? And I'm a Welshman, so I guess I'm a minority.

But it seems like, with all the technology that we supposedly have, we can get these things done. Is it the NRC? I don't know. Is it the operators? I don't know. Is it the Native Americans? I don't know. But they've all got problems. So -- and the way I look at it, we haven't solved a thing on energy for the United States. It gets worse every day.

And the United States was blessed with cheap energy. You know, we talk about -- one man mentioned wind energy -- solar energy. Well, it just seems, you know,

that PNM has got an energy plant -- wind. And it costs me if I went in it two cents more a kilowatt hour than you get from a coal-fired plant. And, you know, the coal-fired plants, uranium plants and others pay severance tax into the severance tax fund, which helps all the schools in New Mexico.

And I asked the man that gave a talk on the -- I think they call it Blue Sky. And I said, You know, these companies pay those severance taxes; I wonder what the severance tax is on wind; you're stealing my wind. And he didn't know what it was.

So I think we've got a lot of problems. And we talked about water, and it's a problem. I keep asking the water people here, Why are we dumping water from the Chama River Project to us in the river, when it's going to get dirty; and we could put a pipeline and generate power. Well, they say there's problems building a pipeline.

And I'll be through in a minute.

(Laughter.)

MR. GREENSLADE: And I think we all have to get together and solve these problems. I think this is a major, major problem. And if the NRC needs more people, tell us, and we'll talk to our congress people. But, you know, the congress house building had higher radon readings than the mines, because it was made out of

granite.

And I remember a water report of Steve Reynolds, whom you all know from -- the old state engineer. And he knew more about water than a lot of us. He gave a report on every domestic water supply at that time in, oh, the 1950s or so. And Clovis, New Mexico, had the highest uranium content in their water.

And all I can say is you see chemicals in this in-situ leach. My understanding -- and, now, I've been out of the mining and retired for 20 years -- is that they're using oxygen and mostly water in the chemicals. I'm not sure. Carbon dioxide? We got it all the time. But those are problems that need to be addressed.

And I think the NRC ought to thank everyone that's here tonight for staying this late, and I think we all learned a little bit. Thank you.

(Applause.)

MR. CAMPBELL: I want to reiterate that. I really appreciate everybody who has hung in here and stayed through. I especially appreciate those that, because of the luck of the draw at the last, are the last few words to speak.

I do want to remind people that if you've provided your address to us and your e-mail address to us, we will be sending you the transcript and the slides.

Is that correct, Carol?

MS. WALLS: That's correct.

MR. CAMPBELL: Is that going to be through the normal mail or through the e-mail, or both?

MS. WALLS: They have an option.

If you signed up for the e-mail, it will come to you --

MR. CAMPBELL: Carol, use a mic.

(General laughter.)

MR. CAMPBELL: Let me introduce Carol Walls. Carol is our licensing assistant. And Carol has done a tremendous job in setting up these meetings, both here and in Casper. And I think she deserves a hand.

(Applause.)

MS. WALLS: Good evening. I'm Carol Walls. And if you signed the blue card, it will come to you via regular mail. If you signed the form where I asked for your name and your e-mail, you'll get it electronically. And if you signed both, you'll probably get duplicate copies. Okay? Good night.

MR. CAMPBELL: Again, I want to thank everybody for coming. I thank you for your input. This has been a very good experience for all of us, and we're going to take your comments to heart and incorporate them in our process. Again, thank you for participating in this

meeting tonight. Have a good evening, and thank you for staying. Good night.

(Whereupon, at 10:40 p.m., this meeting concluded.)