

October 2, 2007

The Honorable Marilyn Musgrave
United States House of Representatives
Washington D.C. 20515

Dear Congresswoman Musgrave:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of August 22, 2007, in which you requested the NRC to extend the comment period for the proposed Generic Environmental Impact Statement (GEIS) for Uranium Recovery. Also, you identified concerns regarding ground water resources in Northern Colorado.

The NRC is committed to openness in our regulatory process and we intend to continue to provide ample opportunities for the public to participate during the preparation of the GEIS and each site-specific environmental review. To date, the NRC has conducted public scoping meetings for the GEIS (one in Casper, Wyoming, one in Albuquerque, New Mexico and a third in Gallup, New Mexico). In response to public comments, the NRC has announced in the *Federal Register* on August 31, 2007 (72 FR 169, pp. 50414-50416) to extend the scoping comment period to October 8, 2007. The extension provides additional time for the public to submit comments. After issuing the draft GEIS, the NRC will conduct one or more public comment meetings so that the public can comment on the preliminary conclusions of the staff's evaluation.

Regarding your concerns related to ground water resources in Northern Colorado, the GEIS does not establish ground water protection standards for *in situ leach* (ISL) facilities and therefore, will not modify in any way current water quality standards. Ground water protection at these facilities is regulated by the U.S. Environmental Protection Agency (40 CFR 144-148) through its Underground Injection Control (UIC) Program or delegated to individual states through the UIC primacy program and either the NRC (10 CFR 40, Appendix A) or individual states as part of the NRC's Agreement State Program. As a participant in the NRC's Agreement State Program, Colorado has assumed responsibility for regulating uranium recovery facilities, including ISLs. Although the NRC periodically reviews Colorado's uranium recovery program for its adequacy to protect public health and safety, and for continued compatibility with the NRC's regulations, the review and approval of uranium recovery licensing applications (including a review of the impact to ground water quality) is performed by Colorado's Department of Public Health and Environment. Additionally, your letter dated August 7, 2007, has also been included as a scoping comment for the GEIS.

The Commission understands the importance of these issues and appreciates your comments on the GEIS process. We look forward to interacting with your office and will continue to

M. Musgrave

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examine ways in which we can enhance our communications. Please contact me if I can be of additional assistance.

Sincerely,

/RA Bruce S. Mallett for/

Luis A. Reyes
Executive Director
for Operations

M. Musgrave

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