

NRCREP Resource

From: Go, Alyssa [ago@nrdc.org]
Sent: Monday, August 25, 2008 4:28 PM
To: NRCREP Resource
Subject: Request for Extension of Public Comment Period - Draft GEIS on ISL Milling Facilities
Attachments: 2008-08-25 Request for Comment Ext - Ur GEIS.pdf

Hello,

Please find attached to this email a letter from thirteen groups requesting an extension of the public comments deadline for the Nuclear Regulatory Commission's *Draft Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities*.

This letter has also been sent via First Class Mail.

Please let me know if you have any problems with the file.

Many thanks,

Alyssa Go

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SOUSI Review Complete
Template = ADH-013

F-RIDS = ADH-03
Add = J. Park (JRP)

Natural Resources Defense Council * Southwest Research and Information Center
New Mexico Environmental Law Center * Powder River Basin Resource Council
Uranium Watch * Ranchers & Neighbors Protecting Our Water
Aligning for Responsible Mining * Western Nebraska Resources Council
EARTHWORKS * Defenders of the Black Hills * Sierra Club
Center for Biological Diversity * Physicians for Social Responsibility

August 25, 2008

Via Electronic and First Class Mail

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

RE: Extension of time for public comment on Draft GEIS for In-Situ Leach Uranium Milling Facilities

Dear Sir/Madam:

Representing the combined membership of millions of concerned citizens across the United States, the Natural Resources Defense Council, Southwest Research and Information Center, New Mexico Environmental Law Center, Powder River Basin Resource Council, Uranium Watch, Ranchers & Neighbors Protecting Our Water, Aligning for Responsible Mining, Western Nebraska Resources Council, EARTHWORKS, Center for Biological Diversity, Physicians for Social Responsibility, Sierra Club, and Defenders of the Black Hills write today to respectfully request that the Nuclear Regulatory Commission (NRC) significantly extend the deadline for public comment on the *Draft Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities* (hereinafter "Draft GEIS") 73 Fed. Reg. 43795 (July 28, 2008).

A lengthy extension of time is necessary for the following reasons. First, the Draft GEIS is a document that could have a significant impact on the environment and a large number of communities in the areas it purports to study in some detail. Unfortunately, it is apparent from our first reading of the document that the Draft GEIS is flawed and, as required by the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*, fails to take a "hard look" at the environmental impacts on the Western United States.

Adequately responding in a constructive and meaningful fashion to what we have deemed an inadequate document will require a significant investment of time and energy. To address just the basic impacts to groundwater, surface waters, soils, and the local communities, the public and above-noted groups will need to collect a huge number of

documents and information. This work, and an associated extension of time to prepare a constructive response, is necessary as the NRC failed to (1) collect and present in the Draft GEIS the relevant documents and information necessary to properly evaluate the environmental impacts of uranium ISL mining in the four regions the agency has analyzed; and (2) even if potentially useful documents and related information are cited, the agency failed to analyze or present this material in a meaningful fashion that meets the requirements of NEPA. A thorough response cannot be accomplished by early October 2008 and the undersigned suggest at least a 180-day extension of time from the current deadline.

Second, and equally important, we request an extension of time so that the public may have an opportunity to understand the NRC's precise intentions regarding a proposed rulemaking on groundwater protection at uranium ISL facilities. As we understand from internal NRC correspondence, the NRC Staff has slated October 31, 2008 as the time it will submit such a proposed rule to the Commission (and presumably the public soon thereafter). We fully expect that any such proposed rulemaking will require independent and searching NEPA analysis. We also fully expect that any such proposed rule would necessarily have broad, nationwide impact and would entail significant involvement, collaboration, and comment from a number of participating federal, state, and tribal entities. It is not clear to us how, or why, these two related efforts are proceeding separately from one another unless it was done purely for the timing and convenience needs of an industry that wishes to proceed with materials licensing under a less than protective regulatory framework. Until we have a sense of the timing, scope, and coverage of the proposed rule and any associated NEPA process, the current early October date for final comments on the Draft GEIS is a tremendous burden on the public and the undersigned. Again, we strongly urge a 180-day extension of the comment period from the current deadline.

Please do not hesitate to contact us if you have questions or concerns. Thank you for your attention and consideration of this matter.

Sincerely,

_____/s/
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