October 1, 2008

The Honorable John Barrasso
United States Senate
Washington, D.C. 20510

Dear Senator Barrasso:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of September 4, 2008, concerning the Generic Environmental Impact Statement (GEIS) for In-Situ Leach (ISL) Uranium Milling Facilities. The NRC is pursuing development of the GEIS to address the increased interest in uranium recovery using the ISL process. Recently, there has been an influx of new ISL uranium milling facility applications, and the GEIS process will allow the NRC to review these applications efficiently. The GEIS will evaluate the potential environmental impacts of ISL operations in four geographic regions and identify resource categories for the NRC staff to focus on during the site specific review. Our intent is to complete the National Environmental Policy Act (NEPA) process as expeditiously as possible without compromising public involvement in the process that NEPA requires.

The original scheduled date for the publication of the draft GEIS was April 2008, with publication of the final GEIS scheduled for January 2009. However, as the result of granting requests to extend the public comment period for the required scoping document, the draft GEIS was not published until July 2008. In publishing the draft GEIS, additional time was also needed to allow the State of Wyoming to become a cooperating agency, which required writing a Memorandum of Understanding. In addition, multiple requests have been received to extend the public comment period by up to another 180 days. In assessing the impact of all of these factors, the public comment period will be extended an additional 30 days. The revised schedule should result in the publication of the final GEIS in June 2009.

The NRC staff has received four new ISL uranium milling facility applications. All four are located in the State of Wyoming. The staff has accepted three of those applications for detailed review. To implement the requirements of the Atomic Energy Act and NEPA, NRC performs its safety and environmental reviews in parallel. As part of its detailed environmental review, the staff will tier off the final GEIS by incorporating by reference relevant sections in either a site-specific Environmental Assessment or Environmental Impact Statement for each of these applications. The NRC staff expects to complete these reviews within the two-year time frame starting from the date the application was accepted for review. This review schedule has been conveyed to industry in several meetings and workshops.

The NRC understands your concerns about potential schedule delays and their ramifications with the delay in construction of the ISL facilities. Nonetheless, we do not expect that the June 2009 date for completing the GEIS will extend the time it takes the NRC to make a licensing determination.

If you have any questions or comments, please contact Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at 301-415-1776.

Sincerely,

/RA/

Peter B. Lyons
Acting Chairman

Identical letters sent to:

The Honorable Michael B. Enzi
United States Senate
Washington, D.C. 20510

The Honorable John Barrasso
United States Senate
Washington, D.C. 20510

The Honorable Barbara Cubin
United States House of Representatives
Washington, D.C. 20515