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# NEW MEXICO ENVIRONMENTAL LAW CENTER

January 20, 2010

12/11/09
74 FR 65806
74 FR 65808
74 FR 65804

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Michael Lesar
Chief, Rulemaking and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop TWB-05-B01
Washington, D.C.20555-0001

RE: Request for Extension of Public Comment Period on Moore Ranch SEIS, NUREG-1910, Supplement 1; Nichols Ranch SEIS, NUREG-1910, Supplement 2; Lost Creek SEIS, NUREG-1910, Supplement 3

Dear Mr. Lesar:

On behalf of the Southwest Research and Information Center ("SRIC"), please accept this request to extend the deadline for public comment on the above supplements to the NRC's Generic Environmental Impact Statement, NUREG-1910 ("GEIS") for an additional 120 days.

The above supplemental environmental impact statements ("SEISs") were noticed in the Federal Register on December 11, 2009. 74 Fed. Reg. 65,804 – 65,810 (Dec. 11, 2009). That notice provides that the deadline for public comment on the SEISs is February 1, 2010. However, SRIC requests that the public comment period be extended by an additional 120 days for the following reasons.

First, the sheer volume of information contained in the SEISs - the three SEISs total over 1000 pages – warrants an extension of time in which the public can comment. As a general matter, an average member of the public cannot be expected to read and analyze this amount of information in the time allotted by the NRC. SRIC, in particular, as a small non-profit organization with limited resources, cannot review and provide a rigorous analysis of the three SEISs in the time allotted by the NRC. Moreover, the bulk of the public comment period is within the holiday season when members of the public, including SRIC staff members and their legal counsel, have family, religious and community obligations. The current public comment period is insufficient to allow for meaningful public participation and is inconsistent with the purpose and intent of the National Environmental Policy Act ("NEPA"), one of whose primary aims is to encourage meaningful public participation in the environmental decision-making process.

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Second, rather than presenting a complete analysis of each of the proposed projects' environmental impacts, the NRC often simply incorporates other documents by reference. This is particularly evident in the NRC's analysis of cumulative impacts, where it simply lists a large number of environmental impact statements produced by other federal agencies. In order to meaningfully critique the NRC's environmental analyses, SRIC and other members of the public must find, read, and analyze the documents incorporated by reference. This task takes significantly more time than the NRC has allowed for public comment.

Finally, because the three SEISs are tiered to the GEIS, analysis of the relationship between the SEISs and GEIS is warranted. SRIC provided comments on the GEIS, and is concerned about how the SEISs incorporate information from the GEIS -- a document whose environmental analyses are deficient in several respects. Again, in order to advance NEPA's fundamental purposes of taking a hard look at environmental consequences and encouraging public participation in the environmental decision-making process, an extension of the public comment period is necessary.

For the foregoing reasons, a properly thorough and searching analysis of the SEISs cannot be accomplished in the time allotted by the NRC and a 120 day extension is warranted. Thank you for your attention to this matter, and please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

/s/

Eric Jantz
Staff Attorney