

June 17, 2010

Mr. David Bernhart, Director
Protected Resources Division
National Oceanic and Atmospheric
Administration (NOAA) Fisheries
Southeastern Regional Office
263 13th Avenue South
St. Petersburg, FL 33701-5505

SUBJECT: NOTIFICATION OF THE ISSUANCE OF AND REQUEST FOR COMMENTS ON
THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED
GENERAL ELECTRIC-HITACHI LASER-BASED URANIUM ENRICHMENT
FACILITY NEAR WILMINGTON, NORTH CAROLINA

Dear Mr. Bernhart:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by General Electric-Hitachi (GEH) Global Laser Enrichment LLC (GLE) for a license to construct and operate a uranium enrichment facility on the existing General Electric Company site near Wilmington, North Carolina (Wilmington Site). The facility, if licensed, would use a laser-based technology to enrich the isotope uranium-235 in uranium hexafluoride (UF₆) up to 8 percent by weight for use in fuel for nuclear power plants. As part of the review of the proposed action, the NRC has prepared the enclosed Draft Environmental Impact Statement (DEIS) (NUREG-1938). The DEIS includes analysis of relevant environmental issues, including potential impacts to Federally listed species and Federally managed fish and shellfish and their essential fish habitat. The DEIS also documents the NRC staff's preliminary determination regarding the environmental impacts from the construction, operation, and decommissioning of the proposed uranium enrichment facility

By letter dated June 18, 2009, the NRC requested information on Federally listed threatened or endangered species or critical habitat that may be in the vicinity of the Wilmington Site from the National Oceanic and Atmospheric Association (NOAA). By e-mail dated August 3, 2009, NOAA Fisheries responded, noting the potential presence of and including additional information about the shortnose sturgeon (*Acipenser brevirostrum*). The DEIS describes the NRC staff's evaluation of the potential impact of constructing, operating, and decommissioning the proposed uranium enrichment facility on Federally listed species and critical habitat. Based on this evaluation, and consideration of the information provided by NOAA Fisheries, the NRC staff's preliminary conclusion is that the construction, operation, and decommissioning of the proposed facility is expected to have no effect on the shortnose sturgeon. In the context of the National Environmental Policy Act of 1969, as amended (NEPA), under which the DEIS was prepared, the NRC staff's preliminary determination is that the cumulative impact on ecological resources from the construction, operation, and decommissioning of the proposed facility would be small to moderate.

In accordance with our June 18, 2009, letter, the NRC staff is forwarding the DEIS to you for your review and comment. We are requesting your comments on the DEIS and on our preliminary conclusions regarding listed species under NOAA Fisheries' purview and will address your comments in the Final Environmental Impact Statement. Please provide any information or comments on the enclosed DEIS that you consider appropriate under NEPA and

D. Bernhart

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the Fish and Wildlife Coordination Act of 1934, as amended, during the comment period, which ends on August 9, 2010. Comments should be submitted either by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, Washington, DC 20555-0001, or by e-mail to GLE.EIS@nrc.gov.

The NRC staff plans to hold two public meetings to discuss the analysis and results of the DEIS on Thursday, July 22, 2010, in Ballroom 5 of the Warwick Center at the University of North Carolina, Wilmington, North Carolina, 28403. The first meeting will convene at 2:30 p.m. and will continue until 5:00 p.m., as necessary. The second meeting will convene at 7:30 p.m., with a repeat of the overview portions of the first meeting, and will continue until 10:00 p.m., as necessary. The meetings will be transcribed and will include the following agenda items: (1) a brief presentation summarizing the NRC licensing review, (2) a presentation of the contents of the DEIS, and (3) an opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions 1 hour before the start of each meeting during which members of the public may meet and talk with NRC staff members informally. You and your staff are invited to attend.

If you have any questions or require additional information, please contact Ms. Jennifer Davis, Senior Environmental Project Manager, by phone at 301-415-3835, or by e-mail at Jennifer.Davis@nrc.gov.

Sincerely,

/RA/

Kevin Hsueh, Chief
Environmental Review Branch B
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 70-7016

Enclosure: Draft Environmental
Impact Statement

cc w/o enclosure: See next page

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