



September 21, 2010

DOCKETED
USNRC

September 21, 2010 (3:15pm)

Ms. Annette Vietti-Cook
Secretary
United States Nuclear Regulatory Commission
Washington, D.C. 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Subject: **Concurrence with Nuclear Energy Institute's Request for Extension of Public Comment Period on Proposed Rule, Licenses, Certifications, and Approvals for Material Licensees, NRC Docket # 2010-0075**

Dear Ms. Vietti-Cook:

By this letter, the National Mining Association (NMA) hereby concurs with the September 15, 2010 request of the Nuclear Energy Institute (NEI) for an extension of the public comment period for the United States Nuclear Regulatory Commission's (NRC) Proposed Rule amending its licensing, certification, and approval requirements for certain materials licenses. See 75 Fed. Reg. 43865 (July 27, 2010) and hereby requests a similar extension. As stated in NEI's request, NMA respectfully requests an extension of the public comment period from September 27, 2010 to November 29, 2010.

NMA's uranium recovery licenses are currently 10 C.F.R. Part 40 materials licensees and are a large component of the sectors of the nuclear fuel cycle that requested that NRC engage in a rulemaking to amend NRC's current 10 C.F.R. § 40.32(e) regulations regarding pre-licensing site construction. More specifically, NMA's *in situ* uranium recovery (ISR) licensees and license applicants are directly affected by NRC's proposed changes to Part 40.32(e)'s definition of "commencement of construction" and "construction," and NMA believes that such licensees and license applicants require complete clarity as to which pre-licensing site construction activities will be authorized by NRC Staff prior to issuance of a Part 40 license. In addition, several of NMA's ISR licensees and license applicants participated in an exchange of legal opinions with NRC Staff regarding this issue, and NMA believes that it requires additional time to determine whether additional comments based on its and NRC Staff's legal opinions are warranted.

In summary, NMA agrees with NEI that this is an important and highly substantive rulemaking that will require significant legal and technical analyses prior to the preparation and submission of

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comments. Based on this, NMA concurs with NEI's September 15, 2010 extension request and respectfully requests an extension of the public comment period on this Proposed Rule until November 29, 2010.

Respectfully Submitted,

A handwritten signature in black ink, reading "Katie Sweeney". The signature is written in a cursive, flowing style.

Katie Sweeney, General Counsel
National Mining Association

Rulemaking Comments

From: Chris Pugsley [cpugsley@athompsonlaw.com]
Sent: Tuesday, September 21, 2010 10:40 AM
To: Stokes, Tracey; Rulemaking Comments; Horn, Merri
Cc: Sweeney, Katie; Anthony J. Thompson
Subject: National Mining Association's Request for Extension of Time for Public Comment Period
Attachments: 09 21 2010lettertonrcextensionconstructionrulemaking.pdf

To Whom It May Concern:

Please find attached for filing a copy of the National Mining Association's Request for an Extension of the Public Comment Period for the rulemaking denoted therein. Please do not hesitate to contact me if you have any questions.

Respectfully Submitted,

Christopher S. Pugsley, Esq.
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From: Chris Pugsley <cpugsley@athompsonlaw.com>
To: <tracey.stokes@nrc.gov>,
<rulemaking.comments@nrc.gov>,
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CC: "Sweeney,Katie" <KSweeney@nma.org>,
"Anthony J. Thompson" <ajthompson@athompsonlaw.com>
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