

**From:** [Reiser, Caroline](#)  
**To:** [Carrera, Andrew](#); [Comfort, Gary](#)  
**Cc:** [Fettus, Geoff](#); [Eric Jantz](#); [Shannon Anderson](#); [Jeffrey C. Parsons](#); [Travis Stills](#); [McKinzie, Matt](#)  
**Subject:** [External\_Sender] Docket ID No. NRC-2008-0421 Request for Extension of Comment Period  
**Date:** Wednesday, February 20, 2019 3:21:55 PM  
**Attachments:** [NRDC et al Ext of Time Request 20 Feb 2019.pdf](#)

---

Dear Mr. Carrera and Mr. Comfort:

Please find attached a combined request of the Natural Resources Defense Council, New Mexico Environmental Law Center, Energy & Conservation Law, Powder River Basin Resource Center, and Western Mining Action Project for a sixty (60) day extension of the comment period for the Nuclear Regulatory Commission Ground Water Protection at Uranium in Situ Recovery Facilities, Docket ID No. NRC-2008-0421.

Please let me know if you have any questions.

Sincerely,  
Caroline Reiser

CAROLINE REISER  
*Fellow, Nuclear  
Climate and Clean Energy Program*

NATURAL RESOURCES  
DEFENSE COUNCIL  
1152 15TH STREET NW, SUITE 300  
WASHINGTON, DC 20005  
T 202.717.8341  
[CREISER@NRDC.ORG](mailto:CREISER@NRDC.ORG)  
[NRDC.ORG](http://NRDC.ORG)



February 20, 2019

**Via Electronic Mail**

Andrew G. Carrera  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Andrew.Carrera@nrc.gov

Gary Comfort  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Gary.Comfort@nrc.gov

**Subject: Request for 60 Day Extension of Comment Period of Ground Water Protection at Uranium in Situ Recovery Facilities, Docket ID No. NRC-2008-0421**

Dear Mr. Carrera and Mr. Comfort:

Representing the combined membership of over one million concerned citizens across the United States and with deep technical and legal expertise on the matter at hand, the Natural Resources Defense Council, New Mexico Environmental Law Center, Energy & Conservation Law, Powder River Basin Resource Center, and Western Mining Action Project write today to respectfully request that the Nuclear Regulatory Commission (NRC) extend the deadline for public comment on the *Ground Water Protection at Uranium in Situ Recovery Facilities*, 84 Fed. Reg. 574 (Jan. 31, 2019), for an additional sixty (60) days. An extension of time is necessary for the following reasons.

This proposed action is of significant importance. Uranium in situ leaching (ISL) is the dominant form of uranium recovery in the United States and drastically impacts scarce sources of Western groundwater. And while NRC's proposed rulemaking would be the first regulation this agency has specifically drafted to address the unique groundwater impacts of ISL, the United States Environmental Protection Agency (EPA) developed, but never finalized, its own extensive rulemaking effort. Indeed, as did the undersigned, the NRC commented extensively on EPA's proposed ISL uranium rule. During that process, NRC deferred its own rulemaking effort to ensure that the outcome would conform to the new standards for groundwater impacts of ISL

facilities that EPA planned to publish. EPA spent almost ten years developing new standards, and the results of that extensive process should be carefully reviewed before developing our response to whether the NRC should proceed with this rulemaking. Thus, there are a number of important technical, policy, and legal considerations that must be resolved. The addition of sixty (60) days to the comment period would greatly assist our organizations in their efforts to provide constructive comments on this long and involved history.

Further, careful and in-depth analysis will be required to respond to each of the complex questions NRC solicits public input on in its request for comment. Especially in light of EPA's efforts over the past decade, it will necessitate a significant effort to develop constructive responses on whether NRC is the correct body to first address this vital topic and, if so, which specific issues NRC will need to tackle in its rulemaking.

Additionally, the question of which issues the NRC rulemaking should address to protect groundwater at ISL facilities is one of enormous public concern. Groundwater is only becoming a more valuable resource in the American west. As populations continue to rise, demand for fresh water—and the desire to use what was once labeled low quality water—will only increase. And yet there is a paucity of data on the long-term effects of ISL on groundwater and a historic inability of industry to restore groundwater in decommissioning ISL facilities. These are not simple issues to parse and the additional time we request will allow our organizations to provide more reasoned comments to the NRC at the outset.

Given the complexity of the issues, which could have significant consequences for the ability of the government to adequately protect the public from the adverse effects of exposure to groundwater contamination, and other public health and environmental hazards, we urge NRC to extend the comment period. Our organizations' small staff and relatively minor resources are stretched thin and a mere sixty-day extension will provide the time necessary for us to provide constructive comments. Please do not hesitate to contact us if you have questions or concerns. Thank you for your attention and consideration of this matter.

Sincerely,

Caroline Reiser  
Nuclear Energy Legal Fellow  
Natural Resources Defense Council  
1152 15<sup>th</sup> St. NW, Suite 300  
Washington, D.C. 20005  
(202) 717-8341  
[creiser@nrdc.org](mailto:creiser@nrdc.org)



Geoffrey H. Fettus  
Senior Attorney  
Natural Resources Defense Council

1152 15<sup>th</sup> St. NW, Suite 300  
Washington D.C., 20005  
(202) 289-2371  
[gfettus@nrdc.org](mailto:gfettus@nrdc.org)



Eric Jantz  
Staff Attorney  
New Mexico Environmental Law Center  
(505) 989-9022 x 120  
[ejantz@nmelc.org](mailto:ejantz@nmelc.org)



Shannon Anderson  
Powder River Basin Resource Council  
934 N. Main St., Sheridan, WY 82801  
307-672-5809 (o) 307-763-0995 (c)  
[sanderson@powderriverbasin.org](mailto:sanderson@powderriverbasin.org)

Jeffrey C. Parsons  
Senior Attorney  
Western Mining Action Project  
P.O. Box 349  
Lyons, CO 80540  
(303) 823-5738

Travis E. Stills  
Energy & Conservation Law  
1911 Main Avenue, Suite 238  
Durango, Colorado 81301  
(970) 375-9231  
[stills@frontier.net](mailto:stills@frontier.net)