



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 5, 2019

ALL AGREEMENT AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS

NOTICE OF EXTENSION OF COMMENT PERIOD: GROUND WATER PROTECTION AT
URANIUM *IN SITU* RECOVERY FACILITIES (STC-19-017)

Purpose: To provide notification of the U.S. Nuclear Regulatory Commission's (NRC's) extension of the comment period relating to the Ground Water Protection at Uranium *In Situ* Recovery (ISR) Facilities rulemaking.

Background: The NRC currently regulates ISR operations through the application of site-specific license conditions that are based on regulations that primarily focus on conventional uranium mills. The NRC initiated rulemaking in 2006 to develop requirements that would provide regulatory consistency and improve the efficiency of the ISR licensing process. The NRC placed this rulemaking on hold in 2010 while the U.S. Environmental Protection Agency (EPA) considered rulemaking on the same topic. The EPA decided to discontinue its rulemaking in 2018. As a result, the NRC is now conducting an assessment of the requirements in 10 CFR Part 40 Appendix A pertaining to the licensing of ISRs. As part of this effort, the NRC is requesting input from members of the public about the topics discussed in the "Request for Comments" section of the *Federal Register* notice (FRN) (84 FR 574). The information received from this request will be factored into the decision whether to continue this rulemaking.

Discussion: In STC-19-009 letter, dated February 5, 2019 (NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML19035A713), the NRC notified you of a request for comment in the *Federal Register* (84 FR 574) on whether it should proceed with a rulemaking to promulgate a generic set of regulations for the operation of ISR facilities, including ground water protection requirements, to standardize existing NRC ISR licensing and oversight practices. The public comment period was originally scheduled to close on March 4, 2019. By letter dated February 20, 2019 (ADAMS Accession No. ML19052A425), the National Resources Defense Council, on behalf of itself and the New Mexico Environmental Law Center, Energy & Conservation Law, the Powder River Basin Resource Center, and the Western Mining Action Project, requested that the NRC extend the deadline to comment by 60 days. The NRC granted the request and has extended the period until May 3, 2019, to allow more time for members of the public to submit their comments.

Enclosed with this letter is the FRN supporting the extension of comment period. The FRN was published in the *Federal Register* (84 FR 6979) on March 1, 2019, and posted on the Federal e-rulemaking portal <http://www.regulations.gov> under Docket No. NRC-2008-0421. The FRN can also be accessed at: <https://www.federalregister.gov/documents/2019/03/01/2019-03556/ground-water-protection-at-uranium-in-situ-recovery-facilities>.

Comments on the assessment are due by May 3, 2019, and both the original (84 FR 574) and comment extension (84 FR 6979) FRNs contain details on how to submit comments.

If you have any questions regarding the Ground Water Protection at Uranium ISR Facilities rulemaking or this correspondence, please contact the individual named below:

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Sincerely,

/RA Theresa Clark for/

Patricia K. Holahan, Director
Division of Rulemaking
Office of Nuclear Material Safety
and Safeguards

Enclosure:
As stated

SUBJECT: NOTICE OF EXTENSION OF COMMENT PERIOD: GROUND WATER
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ADAMS Package Accession No. ML19063B762

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