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Dated at Rockville, Maryland, this 25th day of August 2009.

For the Nuclear Regulatory Commission.

Andrea D. Valentini,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40-9068; NRC-2008-0391]

Lost Creek ISR, LLC; Lost Creek In-Situ Recovery Project; New Source Material License Application; Notice of Intent To Prepare a Supplemental Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Intent (NOI).

SUMMARY: Lost Creek ISR, LLC (LCI) submitted an application for a new source material license for the Lost Creek *In-Situ* Recovery (ISR) Project to be located in Sweetwater County, Wyoming, approximately 70 miles southeast of Lander, Wyoming and approximately 40 miles northwest of Rawlins, Wyoming. The application proposes the construction, operation, and decommissioning of ISR, also known as *in-situ* leach, facilities and restoration of the aquifer from which the uranium is being extracted. LCI submitted the application for the new source material license to the U.S. Nuclear Regulatory Commission (NRC) by a letter dated March 31, 2008. A notice of receipt and availability of the license application, including the Environmental Report (ER), and opportunity to request a hearing was published in the **Federal Register** on July 10, 2008 (73 FR 39728). The purpose of this notice of intent is to

inform the public that the NRC will be preparing a site-specific Supplemental Environmental Impact Statement (SEIS) to the Generic Environmental Impact Statement for *In-Situ* Leach Uranium Milling Facilities (ISR GEIS) for a new source material license for the Lost Creek ISR Project, as required by 10 CFR 51.26(d). In addition, as outlined in 36 CFR 800.8, "Coordination with the National Environmental Policy Act," the NRC plans to use the environmental review process as reflected in 10 CFR Part 51 to coordinate compliance with Section 106 of the National Historic Preservation Act.

FOR FURTHER INFORMATION CONTACT: For general information on the NRC NEPA or the environmental review process related to the Lost Creek ISR Project application, please contact the NRC Environmental Project Manager, Alan B. Bjornsen, at (301) 415-1195 or Alan.Bjornsen@nrc.gov.

Information and documents associated with the Lost Creek ISR Project, including the license application, are available for public review through our electronic reading room: <http://www.nrc.gov/reading-rm/adams.html> and on the NRC's Lost Creek Site Web page: <http://www.nrc.gov/info-finder/materials/uranium/apps-in-review/lost-creek-new-app-review.html>. Documents may also be obtained from NRC's Public Document Room at the U.S. Nuclear Regulatory Commission Headquarters, 11555 Rockville Pike (first floor), Rockville, Maryland.

SUPPLEMENTARY INFORMATION:

1.0 Background

LCI submitted the application for the new source material license to the NRC for ISR facilities by a letter dated March 31, 2008. A notice of receipt and availability of the license application, including the ER, and opportunity to request a hearing was published in the **Federal Register** on July 10, 2008 (73 FR 39728). No requests for hearing were submitted.

The NRC originally planned to document this environmental evaluation in draft and final Environmental Assessments (EAs). However, during the development of the final ISR GEIS, NRC decided to prepare an SEIS that will tier off of the ISR GEIS for applications to license new ISR facilities. This environmental evaluation for the Lost Creek ISR Project will now be documented in draft and final SEISs instead of an EA. While NRC regulations do not require scoping under 10 CFR Part 51 for SEISs, NRC staff met with Federal (Bureau of Land Management—

Cheyenne, Casper, Rawlins; Bureau of Indian Affairs—Fort Washakie; Fish & Wildlife Service—Rawlins), State (Wyoming Department of Environmental Quality—Cheyenne, Lander; State Engineer's Office; Wyoming Department of Game & Fish—Lander; Governor's Planning Office; State Historic Preservation Office) and local government agencies (Sweetwater County Planning Department; Sweetwater County Engineers' Office; Fremont County Planning Department; Town of Bairoil) and public organizations (Lander Chamber of Commerce; Wyoming Community Development Authority) in January of 2009 as part of a site visit to gather site-specific information to assist in the preparation of the Lost Creek ISR Project environmental review. NRC also contacted potentially interested Tribes and local public interest groups via e-mail and telephone to gather additional information.

The NRC has begun evaluating the potential environmental impacts associated with the proposed ISR facility in parallel with the review of the license application. This environmental evaluation will be documented in draft and final SEISs in accordance with NRC's NEPA implementing regulations contained in 10 CFR Part 51. The NRC is required by 10 CFR 51.20(b)(8) to prepare an Environmental Impact Statement (EIS) or a supplement to an EIS for the issuance of a license to possess and use source material for uranium milling. The ISR GEIS and the site-specific SEIS fulfills this regulatory requirement. The purpose of the present notice is to inform the public that the NRC staff will prepare a site-specific supplement to the ISR GEIS (NUREG-1910) as part of the review of the application.

2.0 Lost Creek ISR Facilities

The facilities, if licensed, would include a central processing plant, accompanying wellfields, and ion exchange columns. The process involves the dissolution of the water-soluble uranium from the mineralized host sandstone rock by pumping oxidants (oxygen or hydrogen peroxide) and chemical compounds (sodium bicarbonate) through a series of production and extraction wells. The uranium-rich solution is transferred from the production wells to the central processing plant for uranium concentration using ion exchange columns. Processing is conducted in the central processing plant to produce a yellowcake slurry that will be transported to another ISR facility for final processing into a dry yellowcake.

3.0 Alternatives To Be Evaluated

No-Action—The no-action alternative would be not to issue the license. Under this alternative, the NRC would not approve the license application for the proposed ISR facility. This serves as a baseline for comparison.

Proposed action—The proposed Federal action is to issue a license to use or process source material at the proposed ISR facility. The license review process analyzes the construction, operation, and decommissioning of ISR facility and restoration of the aquifer from which the uranium is being extracted. The ISR facility would be located in Sweetwater County, Wyoming, approximately 70 miles southeast of Lander, Wyoming and approximately 40 miles northwest of Rawlins, Wyoming. The applicant would be issued an NRC license under the provisions of 10 CFR Part 40.

Other alternatives not listed here may be identified through the environmental review process.

4.0 Environmental Impact Areas To Be Analyzed

The following areas have been tentatively identified for analysis in the SEIS:

- *Land Use*: Plans, policies, and controls;
- *Transportation*: Transportation modes, routes, quantities, and risk estimates;
- *Geology and Soils*: Physical geography, topography, geology, and soil characteristics;
- *Water Resources*: Surface and groundwater hydrology, water use and quality, and the potential for degradation;
- *Ecology*: Wetlands, aquatic, terrestrial, economically and recreationally important species, and threatened and endangered species;
- *Air Quality*: Meteorological conditions, ambient background, pollutant sources, and the potential for degradation;
- *Noise*: Ambient, sources, and sensitive receptors;
- *Historical and Cultural Resources*: Historical, archaeological, and traditional cultural resources;
- *Visual and Scenic Resources*: Landscape characteristics, manmade features and viewshed;
- *Socioeconomics*: Demography, economic base, labor pool, housing, transportation, utilities, public services/facilities, and education;
- *Environmental Justice*: Potential disproportionately high and adverse impacts to minority and low-income populations;

- *Public and Occupational Health*: Potential public and occupational consequences from construction, routine operation, transportation, and credible accident scenarios (including natural events);

- *Waste Management*: Types of wastes expected to be generated, handled, and stored; and

- *Cumulative Effects*: Impacts from past, present, and reasonably foreseeable actions at and near the site(s).

This list is not intended to be all inclusive, nor is it a predetermination of potential environmental impacts.

5.0 The NEPA Process

The SEIS for the Lost Creek ISR Project will be prepared pursuant to the NRC's NEPA Regulations at 10 CFR Part 51. The NRC will continue its environmental review of the application and as soon as practicable, the NRC and its contractor will prepare and publish a draft SEIS. NRC currently plans to have a 45-day public comment period for the draft SEIS. Availability of the draft SEIS and the dates of the public comment period will be announced in the **Federal Register** and the NRC Web site: <http://www.nrc.gov>. The final SEIS will include responses to public comments received on the draft SEIS.

Dated at Rockville, Maryland, this 25th day of August 2009.

For the Nuclear Regulatory Commission.

Patrice M. Bubar,

Deputy Director, Environmental Protection and Performance Assessment Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

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NUCLEAR REGULATORY COMMISSION

[NRC-2009-0386]

Notice of Availability of Revised Fuel Cycle Oversight Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for public comment on revision of the NRC's fuel cycle oversight program.

SUMMARY:

The Nuclear Regulatory Commission (NRC) is proposing significant revisions to its processes for overseeing the safety and security of fuel cycle facilities. The NRC plans to develop a revised oversight process for fuel cycle facilities that is more risk-informed, and

performance-based, resulting in more objective, predictable, and transparent results of licensee or certificate holder assessments. (This notice will use "licensees" throughout, but in doing so the intent is also to include "certificate holders.") Current oversight consists mainly of inspections, enforcement and periodic assessments based on inspection findings. NRC staff intends that any revised oversight would not establish any new regulatory requirements. Rather, revised oversight would improve inspection and assessment so that NRC conclusions would be more closely based on risk and more understandable to members of the public. Revised oversight could potentially add objective measures of performance, called performance indicators, with criteria for measuring acceptable performance. However, development of performance indicators may not be part of the initial revision to the oversight process. Inspections would focus in areas of highest risk that are not well-measured by performance indicators and on validating performance indicator information. Assessments would be based on more objective criteria. Supplemental inspections (those above and beyond the number and type of inspections normal for a well-performing plant) of licensees whose performance shows indications of decline, would also be based on objective criteria. These principles are currently applied by the NRC in the oversight of power reactor safety and security and is outlined in "Reactor Oversight Process," NUREG-1649, (Agencywide Documents Access and Management System [ADAMS] Accession No. ML070890365).

Since 1999, the NRC has undertaken several initiatives to examine and improve the NRC's oversight process for fuel cycle facilities, including those licensed or certified under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 40 (Domestic Licensing of Source Material), Part 70 (Domestic Licensing of Special Nuclear Material), and Part 76 (Certification of Gaseous Diffusion Plants). Although previous efforts resulted in some revisions to inspection and assessment procedures, current NRC oversight could be improved by more fully incorporating into inspection and assessment the risk insights of licensees' integrated safety analyses, where applicable (the requirement to perform an integrated safety analysis apply only to 10 CFR Part 70 licensees). Integrated safety analyses establish safety controls based on analyses of potential hazards at a facility.