

March 9, 2009, WNI submitted an additional amendment request for groundwater protection standards for other constituents. NRC staff sent a request for additional information on April 1, 2009, which WNI responded to on June 16, 2009. NRC has prepared an Environmental Assessment (EA) in support of this amendment request in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact is appropriate. The amendment will be issued following the publication of this Notice.

**II. EA Summary**

The purpose of the proposed amendment is to authorize revised groundwater protection standards for the site. Specifically, WNI has requested that an alternate concentration limit (ACL) be set for selenium at the point of compliance wells equal to 0.05 mg/L. This requested selenium value is equal to the U.S. Environmental Protection Agency's (EPA's) maximum contaminant level (MCL) for selenium in drinking water. WNI has also requested that natural uranium trigger

levels for licensee action at the point of exposure be set at background levels, specifically 0.087 mg/L for the Split Rock aquifer and 0.044 mg/L for the flood-plain aquifer. The request excludes one well (Well SWAB-32), where the existing standard will not change.

The NRC staff has prepared the EA in support of the proposed license amendment. The NRC staff considered impacts to groundwater, surface water, endangered and threatened species, historic and cultural resources, socioeconomic conditions, and transportation. This EA references previously approved ACLs, which were granted in 2006. The site currently has institutional controls in place limiting the domestic use of groundwater within the proposed long-term surveillance boundary. Because WNI is requesting a standard for selenium values at the points of compliance equal to EPA's MCL and the trigger levels for licensee action at the point of exposure for natural uranium at background levels, the staff does not expect the proposed action to significantly impact the following resource areas: groundwater,

surface water, endangered and threatened species, historic and cultural resources, socioeconomic conditions, and transportation.

**III. Finding of No Significant Impact**

On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the proposed amendment and has determined that there is no need to prepare an environmental impact statement.

**IV. Further Information**

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are:

Document title	Date	Accession No.
Split Rock Uranium Mill Tailings Facility Proposed Amendments to LC 74	December 1, 2008	ML083380453
License Amendment Request for Western Nuclear, Inc., Source Materials License SUA-56	February 7, 2009	ML090430285
License Amendment Request for Western Nuclear, Inc., Source Materials License SUA-56	March 9, 2009	ML090750922
Request For Additional Information—Amendments To License Condition 74, Materials License SUA-56, Western Nuclear Inc., Split Rock Site, Jeffrey City, Wyoming.	April 1, 2009	ML090820330
Request for Additional Information—Amendments to L.C. 74, Materials License SUA056, Western Nuclear Inc., Split Rock Site.	June 16, 2009	ML091680563
Final Environmental Assessment	January 28, 2010	ML092780271

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 28th day of January, 2010.

For the Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing 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-2008-0391]

**Extension of Public Comment Period on the Draft Environmental Impact Statement for the Lost Creek In-Situ Recovery Project in Sweetwater County, WY; Supplement to the Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities**

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Extension of Public Comment Period.

**SUMMARY:** This notice revises a notice published on Friday, December 11, 2009, in the **Federal Register** (74 FR 65804), which announced, in part, that the public comment period for the NRC's Draft Environmental Impact Statement (Draft SEIS) for the Lost Creek

*In-Situ* Recovery (ISR) Project closes on February 1, 2010. The purpose of this notice is to extend the public comment period on the Draft SEIS for the Lost Creek ISR Project to March 3, 2010.

**DATES:** Members of the public have been submitting written comments on the Draft SEIS for the Lost Creek ISR Project since the initial notice of availability was published on December 11, 2009 (74 FR 65804). In response to multiple requests received in writing, the comment period on the Draft SEIS is being extended to March 3, 2010. The NRC will consider comments received or postmarked after that date to the extent practical. Written comments should be submitted as described in the **ADDRESSES** section of this notice.

**ADDRESSES:** You may submit comments by any one of the following methods. Please include Docket ID NRC-2008-0391 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site <http://www.regulations.gov>. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

*Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2008-0391. Comments may be submitted electronically through this Web site. Address questions about NRC dockets to Carol Gallagher at 301-492-3668, or e-mail at [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Michael T. Lesar, Chief, Rulemaking and Directives Branch (RDB), Division of Administrative Services, Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to RDB at (301) 492-3446. You may also send comments electronically to [LostCreekISRSEIS@nrc.gov](mailto:LostCreekISRSEIS@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** For general information on the NRC's NEPA process, or the environmental review process related to the Draft SEIS, please

contact Alan B. Bjornsen, Project Manager, Environmental Review Branch, Division of Waste Management and Environmental Protection (DWMEP), Mail Stop T-8F5, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by phone at 1 (800) 368-5642, extension 1195. For general or technical information associated with the safety and licensing of uranium milling facilities, please contact Stephen Cohen, Team Lead, Uranium Recovery Branch, DWMEP, Mail Stop T-8F5, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by phone at 1 (800) 368-5642, extension 7182.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

As stated previously, in response to several requests during the public comment period, the NRC is extending the Draft SEIS comment period close date from February 1, 2010, to March 3, 2010. The comment period extension is in response to public comments indicating (1) the original comment period for the Draft SEIS included multiple Federal holidays, and (2) the Draft SEIS for the Lost Creek ISR Project was published concurrently with two additional NRC Draft SEISs (the Nichols Ranch ISR Project in Campbell and Johnson Counties, Wyoming, and the Moore Ranch ISR Project in Campbell County, Wyoming).

Following the end of the public comment period, the NRC staff will publish a Final SEIS for the Lost Creek ISR Project that addresses, as appropriate, the public comments on the Draft SEIS.

##### **II. Further Information**

Publicly available documents related to this notice can be accessed using the following methods:

*NRC's Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

*NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209,

301-415-4737, or by e-mail to [Pdr.Resource@nrc.gov](mailto:Pdr.Resource@nrc.gov). The "Environmental Impact Statement for the Lost Creek ISR Project in Sweetwater County, Wyoming—Supplement to the Generic Environmental Impact Statement for *In-Situ* Leach Uranium Milling Facilities" is available electronically under ADAMS Accession Number ML093350051.

The Draft SEIS for the Lost Creek ISR Project also may be accessed on the Internet at

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/> by selecting "NUREG-1910." The Draft SEIS will be Supplement 3 to NUREG-1910. To facilitate review, links to NEPA documents developed by other federal agencies that were referenced in the Draft SEIS, will be provided at the aforementioned internet address. Additionally, a copy of the Draft SEIS will be available at the following public libraries:

Sweetwater County Library, 300 North 1st Street East, Green River, Wyoming 82935, 307-875-8615.  
Rock Springs Branch Library, 400 C Street, Rock Springs, Wyoming 82901, 307-352-6667.

Dated at Rockville, Maryland, this 1st day of February, 2010.

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**

**[Docket No. 70-1374-MLR; ASLBP No. 10-897-01-MLR-BD01]**

#### **Idaho State University; Establishment of Atomic Safety and Licensing Board**

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.105, 2.300, 2.313, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

#### **Idaho State University**

This proceeding concerns a Petition to Intervene submitted by Dr. Kevan Crawford in response to a **Federal**