

For the Nuclear Regulatory Commission.
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 Regulatory Research.*

[FR Doc. 2012-28564 Filed 11-23-12; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC-2012-0277]

Supplemental Environmental Impact Statement for Proposed Dewey- Burdock In-Situ Uranium Recovery Project in Custer and Fall River Counties, SD

AGENCY: Nuclear Regulatory
 Commission.

ACTION: Availability of draft
 supplemental environmental impact
 statement; request for comment.

SUMMARY: The U.S. Nuclear Regulatory
 Commission (NRC) is issuing for public
 comment a draft Supplemental
 Environmental Impact Statement (Draft
 SEIS) for the Dewey-Burdock *In-Situ*
 Uranium Recovery (ISR) Project in
 Custer and Fall River Counties, South
 Dakota. The Draft SEIS is Supplement 4
 to NUREG-1910, "Generic
 Environmental Impact Statement for In-
 Situ Leach Uranium Milling Facilities,"
 May 2009. By letter dated August 10,
 2009, Powertech USA, Inc. (Powertech)
 submitted an application to the NRC for
 a new source materials license for the
 Dewey-Burdock ISR Project. Powertech
 is proposing to recover uranium from
 the Dewey-Burdock Project site using an
in-situ recovery process.

DATES: The public comment period on
 the draft SEIS begins with publication of
 this notice and continues until January
 10, 2013. Comments received after this
 date will be considered if it is practical
 to do so, but the NRC is able to assure
 consideration only for comments
 received on or before this date.

ADDRESSES: You may access information
 and comment submissions related to
 this document, which the NRC
 possesses and are publically available,
 by searching on <http://www.regulations.gov>
 under Docket ID NRC-2012-0277.
 You may submit comments by any of
 the following methods:

- Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0277. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: Carol.Gallagher@nrc.gov.
- Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and

Directives Branch (RADB), Office of
 Administration, Mail Stop: TWB-05-
 B01M, U.S. Nuclear Regulatory
 Commission, Washington, DC 20555-
 0001.

- Fax comments to: RADB at 301-492-3446.

For additional direction on accessing
 information and submitting comments,
 see "Accessing Information and
 Submitting Comments" in the
SUPPLEMENTARY INFORMATION section of
 this document.

FOR FURTHER INFORMATION CONTACT:
 Haimanot Yilma, Project Manager,
 Office of Federal and State Materials
 and Environmental Management
 Programs, U.S. Nuclear Regulatory
 Commission, Washington, DC 20555-
 0001; telephone: 301-415-8029; email:
Haimanot.Yilma@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC-2012-
 0277 when contacting the NRC about
 the availability of information regarding
 this document. You may access
 information related to this document by
 any of the following methods:

- Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0277.

NRC's Agencywide Documents
 Access and Management System
 (ADAMS): You may access publicly
 available documents associated with the
 Dewey-Burdock ISR Project through the
 NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this notice is provided below. The "Draft SEIS (NUREG-1910, Supplement 4) is available in ADAMS under Accession Numbers ML12312A039 (Volume 1) and ML12312A040 (Volume 2). NUREG-1910 is available in ADAMS under Accession Numbers ML091480244 (Volume 1) and ML091480188 (Volume 2).

- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC-2012-
 0277 in the subject line of your
 comment submission, in order to ensure
 that the NRC is able to make your
 comment submission available to the
 public in this docket.

The NRC cautions you not to include
 identifying or contact information that
 you do not want to be publicly
 disclosed in your comment submission.
 The NRC will post all comment
 submissions at <http://www.regulations.gov>
 as well as enter the comment
 submissions into ADAMS. The NRC
 does not routinely edit comment
 submissions to remove identifying or
 contact information.

If you are requesting or aggregating
 comments from other persons for
 submission to the NRC, then you should
 inform those persons not to include
 identifying or contact information that
 they do not want to be publicly
 disclosed in their comment submission.
 Your request should state that the NRC
 does not routinely edit comment
 submissions to remove such information
 before making the comment
 submissions available to the public or
 entering the comment submissions into
 ADAMS.

II. Further Information

Under the NRC's environmental
 protection regulations in part 51 of Title
 10 of the *Code of Federal Regulations*
 (10 CFR), which implement the National
 Environmental Policy Act of 1969
 (NEPA), preparation of an
 Environmental Impact Statement (EIS)
 or supplement to an EIS (SEIS) is
 required for issuance of a license to
 possess and use source material for
 uranium milling (see 10 CFR
 51.20(b)(8)).

In May 2009, the NRC staff issued
 NUREG-1910, "Generic Environmental
 Impact Statement for In-Situ Leach
 Uranium Milling Facilities" (herein
 referred to as the GEIS). In the GEIS,
 NRC assessed the potential
 environmental impacts from
 construction, operation, aquifer
 restoration, and decommissioning of an
in-situ leach uranium milling facility
 (also known as an ISR facility) located
 in four specific geographic regions of
 the western United States. The proposed
 Dewey-Burdock ISR Project is located
 within the Nebraska-South Dakota-
 Wyoming Uranium Milling Region
 identified in the GEIS. This Draft SEIS
 supplements the GEIS and incorporates
 by reference relevant portions from the
 GEIS, and uses site-specific information
 from the applicant's license application

and independent sources to fulfill the requirements in 10 CFR 51.20(b)(8).

The Draft SEIS for the proposed Dewey-Burdock Project may also be accessed on the internet at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/> by selecting "NUREG-1910" and then "Supplement 4," or on the NRC's Dewey-Burdock ISR Project Web page at <http://www.nrc.gov/materials/uranium-recovery/license-apps/dewey-burdock.html>.

Additionally, a copy of the Draft SEIS will be available at the following public libraries:

Edgemont Public Library, 412 2nd Avenue, Edgemont, SD 57735.

Rapid City Public Library, 610 Quincy Street, Rapid City, SD 57701-3630.

Custer County Library, 447 Crook Street, Custer, SD 57730.

Weston County Library, 23 West Main Street, Newcastle, WY 82701.

Hot Springs Public Library, 145 N. Chicago Street, Hot Springs, SD 57747.

Oglala Lakota College Library, P.O. Box 310, Kyle, SD 57752.

The Draft SEIS was prepared in response to an application submitted by Powertech on August 10, 2009. The applicant proposes the construction, operation, aquifer restoration, and decommissioning of an ISR facility.

The Draft SEIS was prepared by the NRC and its contractor, the Center for Nuclear Waste Regulatory Analyses, in cooperation with the U.S. Bureau of Land Management (BLM). The NRC has prepared this Draft SEIS in compliance with NEPA and the NRC's regulations for implementing NEPA (10 CFR Part 51).

The proposed Dewey-Burdock ISR Project will be located approximately 21 kilometers (13 miles) north-northwest of Edgemont, South Dakota, in northern Fall River and southern Custer Counties. The proposed facility would encompass approximately 4,282 hectares (10,580 acres), which consists of two contiguous mining units: the Burdock Unit and the Dewey Unit.

The Draft SEIS is being issued as part of the NRC's process to decide whether to issue a license to Powertech pursuant to 10 CFR Part 40. In this Draft SEIS, the NRC staff has assessed the potential environmental impacts from the construction, operation, aquifer restoration, and decommissioning of the proposed Dewey-Burdock Project. The NRC staff assessed the impacts of the proposed action and its alternatives on land use; historical and cultural resources; visual and scenic resources; climatology, meteorology and air

quality; geology, minerals and soils; water resources; ecological resources; socioeconomic; environmental justice; noise; traffic and transportation; public and occupational health and safety; and waste management. Additionally, the Draft SEIS analyzes and compares the benefits and costs of the proposed action.

In doing so, the NRC staff evaluated site-specific data and information on the Dewey-Burdock ISR Project to determine if Powertech's proposed activities and the site characteristics were consistent with those evaluated in the GEIS. NRC then determined which relevant sections of, and impact conclusions in, the GEIS could be incorporated by reference. The NRC staff also determined if additional data or analysis was needed to assess the potential environmental impacts for a specific environmental resource area. The NRC documented its assessments and conclusions in the Draft SEIS.

In addition to the action proposed by Powertech, the NRC staff addressed the no-action alternative, as well as alternative wastewater disposal options under the proposed action. All the alternatives were analyzed in detail. The no-action alternative serves as a baseline for comparing the potential environmental impacts of the proposed action.

After weighing the impacts of the proposed action and comparing the alternatives, the NRC staff, in accordance with 10 CFR 51.71(f), sets forth its preliminary recommendation regarding the proposed action. Unless safety issues mandate otherwise, the NRC staff preliminarily recommends that the proposed action be approved (*i.e.*, the NRC should issue a source material license for the proposed Dewey-Burdock ISR Project).

This Draft SEIS is being issued for public comment. The public comment period on the Draft SEIS begins with publication of this notice and continues until January 10, 2013. Written comments should be submitted as described in the **ADDRESSES** section of this document. The NRC will consider comments received or postmarked after that date to the extent practical.

Dated at Rockville, Maryland, this 8th day of November 2012.

For the Nuclear Regulatory Commission.

Aby Mohseni,

Deputy Director, Environmental Protection and Performance Assessment Directorate, and Environmental Protection, Office of Federal and State Materials.

[FR Doc. 2012-28425 Filed 11-21-12; 11:15 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-361-CAL, 50-362-CAL; ASLBP No. 13-924-01-CAL-BD01]

Southern California Edison Company; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission, *see* 37 FR 28,710 (Dec. 29, 1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.105, 2.300, 2.309, 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:

Southern California Edison Company

(San Onofre Nuclear Generating Station, Units 2 and 3)

This proceeding involves a March 27, 2012 NRC Confirmatory Action Letter (CAL) issued to Southern California Edison Company (SCE), and the NRC Commission's November 8, 2012 decision in CLI-12-20 referring to the Atomic Safety and Licensing Board Panel that portion of Friends of the Earth's June 18, 2012 intervention petition challenging the CAL. In particular, the Commission directs (CLI-12-20, slip op. at 5) that a duly constituted Board "consider whether: (1) the [CAL] issued to SCE constitutes a *de facto* license amendment that would be subject to a hearing opportunity under Section 189a [of the Atomic Energy Act]; and, (2) whether the petition meets the standing and contention admissibility requirements of 10 CFR § 2.309."

The Board is comprised of the following administrative judges:

E. Roy Hawkens, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

Dr. Anthony J. Baratta, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001

Dr. Gary S. Arnold, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule (10 CFR 2.302), which the NRC promulgated in August 2007 (72 FR 49,139).