



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:

Sincerely,

/RA Theresa Clark for/

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

Enclosure:
As stated

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[NRC-2008-0421]

RIN 3150-AI40

Ground Water Protection at Uranium In Situ Recovery Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment; extension of comment period.

SUMMARY: On January 31, 2019, the U.S. Nuclear Regulatory Commission (NRC) requested comments on whether it should proceed with a rulemaking to promulgate a generic set of regulations for the operation of uranium *in situ* recovery (ISR) facilities, including ground water protection requirements, to standardize existing NRC ISR licensing and oversight practices. The public comment period originally was scheduled to close on March 4, 2019. The NRC has decided to extend the public comment period to allow more time for members of the public to develop and submit their comments.

DATES: The due date of comments requested in the document published on January 31, 2019 (84 FR 574) is extended. Comments should be filed no later than May 3, 2019. Comments received after this date will be considered, if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- **Federal Rulemaking Website:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0421. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **Email comments to:** Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.

- **Fax comments to:** Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

- **Mail comments to:** Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

- **Hand deliver comments to:** 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301-415-1677.

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

FOR FURTHER INFORMATION CONTACT:

Andrew G. Carrera, telephone: 301-415-1078; email: Andrew.Carrera@nrc.gov; or Gary Comfort, telephone: 301-415-8106; email: Gary.Comfort@nrc.gov. Both are staff of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2008-0421 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0421.

- **NRC's Agencywide Documents**

Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, 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.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One

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White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC-2008-0421 in your comment submission.

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 into ADAMS.

II. Discussion

On January 31, 2019, the NRC published a document in the **Federal Register** (84 FR 574) requesting comments 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 is granting this request and will extend the public comment period until May 3, 2019, to allow more time for members of the public to submit their comments.

Dated at Rockville, Maryland, this 25th day of February 2019.

For the Nuclear Regulatory Commission.

Theresa V. Clark,

Deputy Director, Division of Rulemaking,
Office of Nuclear Material Safety and
Safeguards.

[FR Doc. 2019-03556 Filed 2-28-19; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[NRC-2014-0118]

RIN 3150-AJ41

Enhanced Security of Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Revised regulatory basis; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting comments on a draft revised regulatory basis to support a rulemaking that would update special nuclear material (SNM) physical protection requirements for fuel cycle facilities. The rule would establish generically applicable security requirements similar to those imposed by security orders issued by the NRC following the terrorist attacks of September 11, 2001.

DATES: Submit comments by April 1, 2019. Comments received after this date will be considered if it is practical to do so; however, the NRC is only able to ensure consideration of comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0118. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:*

Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland

20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301-415-1677.

- *Comments that contain proprietary or sensitive information:* Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document to determine the most appropriate method for submitting those comments.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Timothy Harris, Office of Nuclear Security and Incident Response, telephone: 301-287-3594, email: Timothy.Harris@nrc.gov; or Edward Lohr, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-0253, email: Edward.Lohr@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2014-0118 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0118.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, 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.

- *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-2014-0118 in your comment submission.

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 to not 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 into ADAMS.

Please note that the NRC will not provide formal written responses to each of the comments received on the draft revised regulatory basis. However, the NRC will consider all comments received in the development of the final regulatory basis.

II. Discussion

On April 22, 2015, the NRC published in the **Federal Register** (ADAMS Accession No. ML14321A007) a regulatory basis for the “Rulemaking for Enhanced Security of Special Nuclear Material” proposed rule. The proposed rule would amend the requirements in part 73 of title 10 of the *Code of Federal Regulations* (10 CFR), “Physical Protection of Plants and Materials.” The Commission recently directed that resources be allocated for this rulemaking with the exclusive scope of codifying the requirements of the post-9/11 security orders.

Consistent with this direction and the NRC's rulemaking process, the staff has prepared a draft revised regulatory basis to describe and document the results of assessments and analyses performed by the NRC in support of the proposed rule for enhancing security for SNM. The draft revised regulatory basis document is available in ADAMS under Accession No. ML18332A053.

The 2015 regulatory basis set forth four objectives for the rulemaking: (1) Make generically applicable physical protection measures similar to those imposed by security orders issued following the terrorist attacks of September 11, 2001 (post-9/11 security orders); (2) consider risk insights gained from new national laboratory studies, implementation and oversight experience, and international guidance; (3) improve consistency and clarity of SNM physical protection requirements; and (4) use a risk-informed and performance-based structure. The NRC