

NRC Changes Uranium Review Process

In June the Nuclear Regulatory Commission (NRC) published its final generic environmental impact statement (GEIS) for in-situ leach uranium recovery (ISR) operations in the western United States. In addition, NRC announced a change to how environmental reviews of new ISR facilities would take place.

NRC originally proposed preparing environmental assessments (EAs) for new facilities, but instead the agency will issue full supplemental environmental impact statements (SEIS), a more thorough form of environmental review. SEISs also provide greater opportunities for public participation and comment. This change was made in response to public concern that the generic review approach would overlook unique site characteristics.

NRC will continue to prepare EAs for applications to expand or renew licenses of existing operations. These may be issued for public comment if a particular application has high public interest, and will either result in a finding of no significant impact or lead to the preparation of an SEIS.

NRC expects approximately 17 license applications for ISR milling facilities through 2010, including new facilities, expansions, and restarts. The GEIS will serve as a starting point for site-specific environmental reviews of these applications. NRC believes this will improve efficiency, and the agency expects to complete most licensing reviews within two years.

The environmental reviews assess impacts of ISR operations on land use, transportation, surface water, groundwater, geology, soils, threatened and endangered species, and waste management, among other things.

Visit www.nrc.gov. See the final "Generic Environmental Impact Statement on In Situ Leach Uranium Milling Facilities"; www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1910/.

NM Governor Signs Water Rights Bill

In April, New Mexico Gov. Bill Richardson signed a bill limiting the power of municipalities to condemn water rights. HB40 puts water used by an acequia, community ditch, irrigation district, conservancy district, or political subdivision of the state beyond the reach of condemnation. In other cases where condemnation is still allowed, the municipality must meet certain criteria, including showing that the water is needed for public health and safety or that there is no other way to obtain the needed water at a reasonable price. Just compensation is required and mediation is encouraged.

Municipalities in New Mexico enjoy preferential powers to hold water rights unused for up to 40 years without threat of forfeiture. The new bill may push municipalities to be more proactive in securing capacity in the marketplace to meet their future water needs. The bill may also help preserve the agricultural industry by protecting farmers' water rights.

Visit www.governor.state.nm.us and www.nmlegis.gov.

ASARCO Must Clean El Paso Groundwater

Much of the \$52 million proposed for cleanup of an ASARCO smelter site in El Paso will be dedicated to groundwater remediation, reported the *El Paso Times* after a public meeting in May. A presentation there by an official of the Texas Commission on Environmental Quality (TCEQ) was the first time the government had acknowledged that groundwater contamination is a serious issue at this site, noted the paper.

According to the *Times*, groundwater remediation will be accomplished using \$21 million to drill wells to keep the diesel-fuel- and metal-contaminated plume from spreading toward the Rio Grande and to treat the pumped water.

Members of the Texas legislature commented that \$52 million would not be enough for the cleanup and that the true cost would be closer to \$250 million, leaving taxpayers to pick up the tab, reported the *Times*. According to the paper, funds are also needed to clean contaminated soil in neighboring Juarez, help former ASARCO workers who are ill, and remediate contaminated dust in homes. Over 1,200 public comments were submitted prior to the meeting.

The site, which began as a lead smelter, operated from 1887 to 1992. In 1995 the Texas government found that the facility had made unauthorized discharges of solid waste, wastewater, and stormwater. In 1999 the U.S. Environmental Protection Agency and the state of Texas filed a civil enforcement action against ASARCO, which resulted in a decree requiring ASARCO to complete corrective action at the site. In 2005 TCEQ issued a corrective action directive, but ASARCO declared Chapter 11 bankruptcy that same year. That case is still pending in federal court in Corpus Christi.

In March 2009, TCEQ, EPA, and ASARCO filed a settlement agreement in the bankruptcy court, placing the El Paso smelter property in an environmental custodial trust with \$52 million in funding from ASARCO. The bankruptcy court approved the

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HydroFacts

Number of Wild and Scenic Rivers designations by the U.S. Congress:	203
Total miles of river protected:	12,556
Miles added in March 2009:	1,100

Number of dams in U.S. National Inventory of Dams:	79,000
Miles of river impacted by dams:	about 600,000

Gallons of water consumed per capita in the U.S., 1976:	1.6
Gallons of water consumed per capita in the U.S., 2007:	29

Terminal velocity of a small (1 mm) raindrop, in miles per hour:	9
Terminal velocity of a large (4 mm) raindrop, in miles per hour:	20

Sources: *National Wild and Scenic Rivers*, U.S. Army Corps of Engineers, *International Bottled Water Association*, United Nations, and SAHRA.