

December 21, 2000

MEMORANDUM TO: Philip Ting, Chief
Fuel Cycle Licensing Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards

FROM: Michael Layton, Hydrogeologist
Fuel Cycle Licensing Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards

SUBJECT: MEETING SUMMARY, EPA AND NRC MEETING OF
NOVEMBER 29, 2000

Attached is the summary of the November 29, 2000 meeting between the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission regarding NRC's reliance on the EPA's Underground Injection Control (UIC) Program for the protection of ground-water at NRC-licensed *In Situ* Leach Uranium Extraction Facilities. This meeting summary was reviewed by the participants. The meeting was conducted to partially fulfill the requirements of the Commission's Staff Requirements Memorandum SECY-99-013, issued on July 26, 2000.

Attachment 1: Meeting Summary
Attachment 2: Meeting Agenda
Attachment 3: Attendance List

CONTACT: Michael Layton, NMSS/FCSS
(301) 415-6676

cc: Joan Harrigan Farrelly, Office of Ground Water
and Drinking Water, EPA
Mario Salazar, Office of Ground Water
and Drinking Water, EPA

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DATE	12/20/00		12/20/00		12/21/00	

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Meeting Summary

Topic: EPA and NRC Discussions: NRC's Reliance on UIC Ground-Water Protection Program at *In Situ* Leach Uranium Extraction Facilities

Date/Time: November 29, 2000; 1:00 pm to 2:30 pm

Location: 11th Floor Conference Room, EPA Offices, East Tower, Waterside Mall

Meeting Agenda: (see Attachment 2)

Attendees: (see attendance sheet, Attachment 3)

Joan Harrigan Farrelly - EPA

Dan Gillen - NRC

Mario Salazar - EPA

Bill von Till - NRC

Jim Curtin - EPA

Philip Ting - NRC

Bruce Kobelski - EPA

Michael Layton - NRC

Maria Schwartz - NRC

Telephone

Participants: Laura Bose - EPA Region 9

Theodore Fritz - EPA Region 7

Paul Osborne - EPA Region 8

Jim Walker - EPA Region 9

Ray Leissner - EPA Region 6

Loren Setlow - EPA /OAR

Discussions:

The EPA scheduled this meeting to continue discussions on NRC's efforts to identify possible ways the NRC could rely on EPA's Underground Injection Control (UIC) program for the active regulatory oversight of ground-water protection at *in situ* leach (ISL) uranium extraction facilities. This meeting was a follow-up to the October 10, 2000 meeting between EPA and NRC on the same subject. The EPA representatives provided an agenda which served as discussion topics for the meeting (Attachment 2).

The EPA affirmed their understanding that NRC was looking at ways to reduce duplicative regulatory oversight at ISL facilities by relying on the EPA's UIC program for the active regulation of ground-water protection at these facilities. The EPA asked what specific areas the NRC viewed as being duplicative and what would be involved with NRC deferring active regulation. EPA's view is, that at the federal level, the UIC program and NRC's licensing were more complementary than duplicative, since the federal EPA program does not require ground-water restoration in the exempted aquifer area, and does not regulate extraction wells. In addition, the EPA relies on the environmental analysis performed by the NRC to support the NEPA requirements to make permitting and aquifer exemption decisions.

The NRC representatives agreed that much of the duplicative regulation at these facilities likely rests with the individual States implementing the UIC program, since those agencies actively regulated the ground-water aspects in the wellfields. The NRC envisions that staff would conduct its review after the state's analysis and use that review as part of the basis for the licensing action. NRC would still perform its NEPA reviews, but may use the State's detailed technical reviews to support the NEPA documentation. The NRC would use the Standard

Review Plan for ISL applications and license amendments as a guideline for examining the State's technical reviews. The NRC views itself as working closely with the State, in the event there are differences between the State's reviews and NRC's examination. The NRC does not see itself in the role of an oversight authority for the non-Agreement State programs. The details of how NRC would interact with the State's and how NRC's licensing program may change have yet to be determined.

The EPA encouraged NRC to make the initial contacts with the individual State programs and begin discussing how reliance on the State's programs might progress. The EPA requested that the NRC keep the EPA headquarters program informed of developments and work through the appropriate EPA Regional coordinators when working with the individual States. The EPA representatives offered to assist in coordinating discussions with the individual States, but would only have a limited role in NRC's interactions with the States, because the UIC programs had been delegated to the States and they have the control over the programs. The EPA offered to provide the NRC with contact information for the State UIC program coordinators and the EPA Regional UIC program coordinators.

At the conclusion of the meeting, the NRC representatives thanked the EPA representatives for continuing discussions on this issue and for their offer of assistance in coordinating and contacting the State program coordinators. The NRC will begin contacting the State and EPA Regional coordinators to begin discussions.

No binding agreements or programmatic decisions were made by either the NRC or the EPA during this meeting.

*Ray Ferguson, Jim Walke, James Rose,
Paul Osborne, Ted Fritz*

DRAFT 11/22/00

NRC/EPA Meeting on ISL Uranium Mining Facilities

November 29, 2000

1:00 pm - 2:30 pm (EST)

AGENDA

Introductions

Review of Agenda

Review/Affirm NRC's Objectives (NRC)

- To reduce duplication and regulatory effort in oversight of ISL Uranium Mining facilities.
- To divest and defer to UIC programs where there is duplication.

Restatement of EPA's position (EPA)

- EPA supports any effort to reduce duplication of effort.

Message to be sent/Points to be made and emphasized:

- 1. EPA restates that the scope as well as the legal and regulatory authority of the UIC program is limited. Little overlap exists between the NRC licensing process and the federal UIC permitting program (specific discussion to follow, see NEPA below).*
- 2. Delegated State UIC programs may be broader than the federal UIC program so additional points of overlap may exist.*
- 3. EPA does not object to NRC's interest in pursuing MOU's to achieve their objective. If NRC would like to pursue MOU with delegated States we would be happy to provide the name of state UIC program managers that would need to be consulted.*
- 4. With regards to the non-delegated states, the negotiations would occur with the individual regions. EPA Regional UIC contact can be provided.*

NRC proposal to divest

- Identify specific regulatory activities that are proposed for divestiture.
- What would be the expectations of NRC in making this deferral to EPA or the state Agency?

Evaluation of a proposed specific element

To make this discussion "real", let's look at one specific activity that the NRC believes may have overlap, compliance with NEPA and the preparation of the EA/EIS.

What other specific regulatory activities does NRC propose to defer?

We suggest NRC developing a list of the proposed activities. Then using a crosswalk, or tabular approach, EPA could then compare the desired elements with UIC program authority. Counsels from both agencies could add their opinions on the appropriateness of the match ups and add any other advice. This product would clearly identify where we overlap and where we don't. It can also be used by NRC to pursue discussions with the delegated state programs.

MEETING ATTENDANCE

EPA/NRC MEETING OF 11/25/00

Bill van Till	NRC	301-415-6251
Philip Ting	NRC	301-415-6045
Joan Harrigan Farrelly	NRC	202-260-6672
Bruce Kobelski	EPA/OGWDW/DWRD	202-260-7275
MARIO SALAZAR	EPA/OGWDW/DWRD	202 260-2363
Dan Gillen	NRC	301-415-7295 DMG28NEC.60
MARIA SCHWARTZ	NRC/OGC	301-415-1888 mes@nrc.gov
Michael Layton	NRC/NMSS	301.415.6676 mcl@nrc.gov
Jim CURTIN	EPA/OGC	202-564-5482

On the phone:

Ray Jensen	EPA-UIC Region 6	214 665-7183
Ted Fritz	EPA-UIC Region 7	913 551-7412
Paul Osborne	EPA-UIC Region 8	303 312-6125
Jim Walker	EPA-UIC Region 9	505 599-6317
Tanna Rose	EPA-UIC Region 9	415 744-1835
Toren fellow	EPA OAR	202 564 9845