



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG - 3 2006

Jack R. Strosnider  
Director  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Mr. Strosnider:

We are responding to your letter dated June 20, 2006, indicating that the U.S. Nuclear Regulatory Commission (NRC) is initiating rulemaking to revise its regulations for groundwater protection at *in situ* leach (ISL) uranium recovery facilities. The letter states that NRC is proposing to conform its regulations applicable to ISL operations to the EPA underground injection control (UIC) program standards contained in 40 CFR Parts 144 through 148. The letter requests "EPA's confirmation that the UIC rules are the appropriate standards to which to conform NRC regulations in this area." The letter also asks EPA to identify a point of contact to interact with NRC staff on this matter.

We appreciate your invitation to engage in a dialogue with us on this matter of great importance to both of our agencies and to the protection of underground sources of drinking water supplies in the vicinity of NRC licensed ISL facilities. NRC's planned rulemaking potentially raises a number of significant legal and policy issues for both NRC and EPA that, in our view, require joint agency discussions at the earliest opportunity, before your rulemaking effort proceeds. For example, we are quite concerned that NRC's proposal suggests that NRC may be considering suspending its UMTRCA-based regulatory oversight of groundwater at ISL facilities. Moreover, NRC's apparent desire to rely solely on standards in Parts 144-148 (to the exclusion of standards in Part 192 for management and restoration of groundwater during and following processing of uranium ores) represents a significant change that needs to be thoroughly examined and understood by both agencies. We welcome the chance to participate in this undertaking. Given the significance and complexity of the issues involved and the early stage of your rulemaking process, we would appreciate the opportunity to meet and discuss these issues with you as soon as possible.

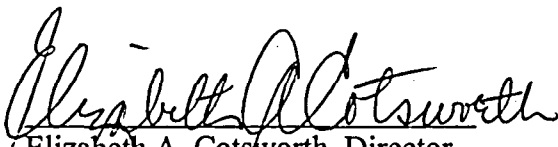
We are designating two contact persons. The contact person for the Office of Ground Water and Drinking Water is Marilyn Ginsberg (202-564-3881, [ginsberg.marilyn@epa.gov](mailto:ginsberg.marilyn@epa.gov)). The contact person for the Office of Radiation and Indoor Air is Loren Setlow (202-343-9445, [setlow.loren@epa.gov](mailto:setlow.loren@epa.gov)). Please include both Marilyn and Loren in any correspondence and in any meetings between EPA and NRC on this matter.

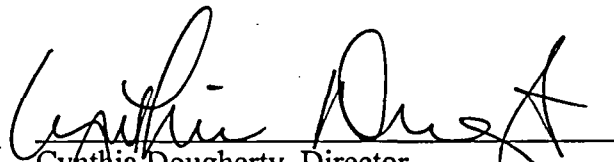


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We look forward to hearing from you at your earliest convenience regarding a meeting with our contacts in the near future and to discussing our views about the NRC proposal with you.

Sincerely,

  
Elizabeth A. Cotsworth, Director  
Office of Radiation and Indoor Air

  
Cynthia Dougherty, Director  
Office of Ground Water and Drinking Water