

REQUEST REPLY BY: 5/15/07

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

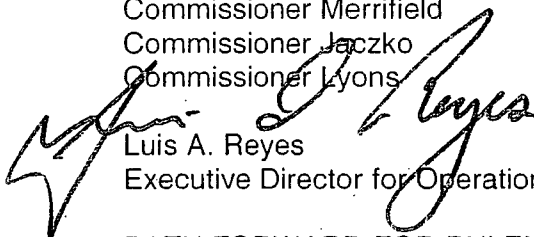
April 30, 2007

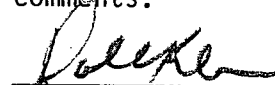
MEMORANDUM TO:

Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

Approve, subject to
Commissioner Merrifield's
comments.

FROM:


Luis A. Reyes
Executive Director for Operations


Dale E. Klein

5/16/07

SUBJECT:

PATH FORWARD FOR RULEMAKING ON GROUNDWATER
PROTECTION AT *IN SITU* LEACH URANIUM
EXTRACTION FACILITIES

The purpose of this memorandum is: (1) to provide the Commission with the status of the staff's effort to develop a draft rule for groundwater protection in the well-field production zone at *in situ* leach (ISL) uranium recovery facilities in non-Agreement States; and (2) to request that the Commission approve the staff recommendation to resume the rulemaking process and conform to 40 CFR Part 192. This request to deviate from previous Commission direction (i.e., conform to the underground injection control) is needed to address the concerns raised by EPA during implementation of codifying requirements for groundwater protection at ISLs.

The Uranium Mill Tailings Radiation Control Act (UMTRCA) added Sections 84 and 275 to the Atomic Energy Act (AEA). Section 84 requires, in part, that the Nuclear Regulatory Commission (NRC) ensure that byproduct material, as defined in section 11e.(2) of the AEA (hereafter referred to as 11e.(2) byproduct material), is managed in such a manner as to conform with applicable general standards promulgated by the U.S. Environmental Protection Agency (EPA) under AEA Section 275. As directed by Section 275, EPA standards of general application for 11e.(2) byproduct material were established in 40 CFR Part 192. AEA Section 275 requires that the generally applicable standards EPA promulgates for nonradiological hazards under UMTRCA shall be consistent with the standards EPA promulgates under the Safe Drinking Water Act/Resources Conservation and Recovery Act (SWDA/RCRA) for such hazards. To satisfy this mandate, the Part 192 standards specifically incorporate certain RCRA-based 40 CFR Part 264 requirements.

CONTACT: Myron Fliegel, FSME/DWMEP
(301) 415-6629

07/07/07 11:58
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5/15/07



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April 30, 2007

MEMORANDUM TO:

Chairman Klein
~~Commissioner McGaffigan~~
 Commissioner Merrifield
 Commissioner Jaczko
 Commissioner Lyons

Approved
 E. McGaffigan
 5/9/07

FROM:


 Luis A. Reyes
 Executive Director for Operations

SUBJECT:

PATH FORWARD FOR RULEMAKING ON GROUNDWATER
 PROTECTION AT *IN SITU* LEACH URANIUM
 EXTRACTION FACILITIES

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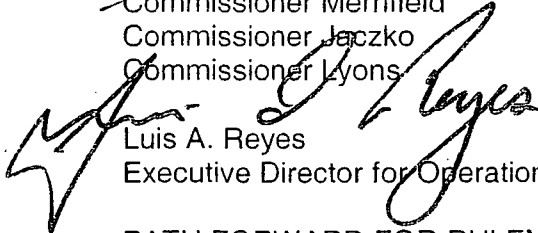
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April 30, 2007

MEMORANDUM TO: Chairman Klein
 Commissioner McGaffigan
~~Commissioner Merrifield~~
 Commissioner Jaczko
 Commissioner Lyons

FROM: 
 Luis A. Reyes
 Executive Director for Operations

SUBJECT: PATH FORWARD FOR RULEMAKING ON GROUNDWATER
 PROTECTION AT *IN SITU* LEACH URANIUM
 EXTRACTION FACILITIES

*I approve, subject to the
 attached comments.*

 5/7/07

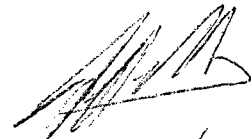
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Comments from Commissioner Merrifield on COMSECY-07-0015:

I approve the staff recommendations on the path forward for rulemaking on groundwater protection at *in situ* leach uranium extraction facilities. The proposed approach is different from what I had originally envisioned but should result in more clearly defined regulatory requirements associated with *in situ* leach uranium extraction facilities, which was my ultimate goal. I commend the staff for working with EPA and the industry to derive their recommendations in this paper. Staff should remain diligent in working with the EPA and appropriate states to establish appropriate standards to protect public health and safety and the environment and at the same time reduce, and preferably eliminate, dual regulation.



5/7/07

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5/15/07



UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 WASHINGTON, D.C. 20555-0001

April 30, 2007


MEMORANDUM TO:

Chairman Klein
 Commissioner McGaffigan
 Commissioner Merrifield
 Commissioner Jaczko
 Commissioner Lyons

Approved subject to the
 attached comments.

FROM:


 Luis A. Reyes
 Executive Director for Operations

 5/29/07
 Gregory B. Jaczko Date

SUBJECT:

PATH FORWARD FOR RULEMAKING ON GROUNDWATER
 PROTECTION AT *IN SITU* LEACH URANIUM
 EXTRACTION FACILITIES

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**Commissioner Jaczko's Comments on COMSECY-07-0015
Path Forward for Rulemaking on Groundwater Protection at *In-Situ*
Leach Uranium Extraction Facilities**

I approve the staff recommendations to develop a proposed rule to make clear certain of the Commission's requirements for licensing *In-Situ* Leach uranium extraction facilities. I encourage the staff to engage a number of stakeholder representatives early in the process to gather a wide range of views through the public workshops described in this paper.

As I said in my previous vote on COMSJSM-06-0001, it is important that we have a transparent regulatory framework because of the near-term potential increase in the mining of uranium. Since that vote I understand that applicants have expressed an interest in licensing at least 14 new facilities. Given the potential growth of this segment of the industry and the small number of existing licensees, I continue to believe that the this rulemaking should be done off the fee basis.


Gregory B. Jaczko

5/29/07
Date

REQUEST REPLY BY:

5/15/07

COMSECY-07-0015



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 30, 2007

Approve.

MEMORANDUM TO:

Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

A large, handwritten signature in black ink, appearing to read "Luis A. Reyes".

FROM:

Luis A. Reyes
Executive Director for Operations

A handwritten signature in black ink, appearing to read "Peter B. Lyons".
5/11/07
Date

SUBJECT:

PATH FORWARD FOR RULEMAKING ON GROUNDWATER
PROTECTION AT *IN SITU* LEACH URANIUM
EXTRACTION FACILITIES

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