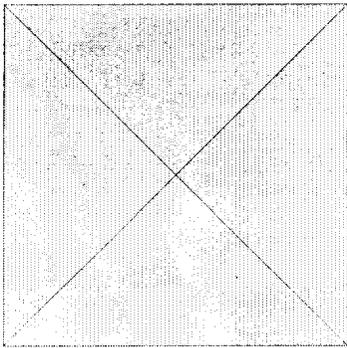


From: <David.Miesbach@NDEQ.State.NE.US>
To: <mcl@nrc.gov>
Date: 3/29/01 9:55AM
Subject: NRC Commission Mtg

Milke, Please take a look at this memo. We appreciate you providing us with information and keeping us imformed. Thanks (See attached file: nrc.doc)

NMSS01 Milke

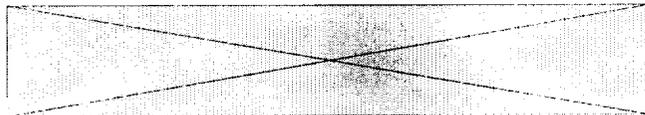
March 29, 2001



Memorandum

To: Mike Layton, NRC
CC: Marty Link, NDEQ
From: David Miesbach, NDEQ
Date: 03/29/2001
Re: State of Nebraska Underground Injection Program

- Nebraska was granted primacy for the UIC program by the EPA in 1984.
- Nebraska developed Title 122 – Rules and Regulations for Underground Injection and Mineral Production Wells and Title 135 – Rules and Regulations for Mineral Exploration Holes specifically for *in-situ* uranium mining.
- An *in-situ* uranium Research and Development mining operation was permitted through the State of Nebraska UIC program with the help of the NRC in 1985.
- The Research and Development facility operated for two years before restoration began. Successful restoration of the site was completed in 1988.
- The facility was permitted by the State of Nebraska UIC program again with the help of the NRC for full-scale operation in 1990. The facility has been in continuous operation since that time and has completely restored one area of mining, and is in the process of restoring two more areas.



- The effectiveness of the permit and associated rules has been tested several times with mining solution excursions. Each time, the problem was identified and remediated in a timely fashion.
- Nebraska Environmental Protection Act 81-1505 (9)(a) specifically states: "The council shall adopt and promulgate rules and regulations for controlling mineral exploration holes and mineral production and injection wells. The rules and regulations shall include standards for construction, operation, and abandonment of such holes and wells....."
- Nebraska Environmental Protection Act 81-1505 (9)(c) specifically states: "With respect to mineral production wells, the council shall adopt and promulgate rules and regulations which require restoration of air, land, water, and subsurface resources and require mineral production well permit applications to include a restoration plan for the air, land, water, and subsurface resources affected....."
- Nebraska developed Title 118 – Ground Water Quality Standards and Use Classification to provide another avenue for ground water remediation beyond the scope of the UIC regulations
The State of Nebraska UIC program is designed to protect the underground sources of drinking water in our state. We feel that we can and have sufficiently regulated the *in-situ* uranium mining industry in our state when it comes to ground water and reclamation issues under our UIC program.

Nebraska agrees that there are certain areas of the *in-situ* mining industry that the NRC must regulate. However, having the NRC draft new rules to regulate an area that Nebraska already regulates effectively would be a duplication of efforts and may be a financial burden on the *in-situ* mining industry.