

10.0 ENVIRONMENTAL APPROVALS AND CONSULTATIONS

10.1 Areas of Review

The staff should review all licenses, permits, and other approvals of construction and operations required by federal, state, local, and regional authorities for the protection of the environment including a list of those federal and state approvals that have already been received, and the status of those pending approvals. The staff should also review similar information regarding approvals, licenses, and contacts with tribal authorities. The staff should examine previously submitted environmental assessments or environmental impact statements, if appropriate.

The staff should evaluate discussions of the status of efforts to obtain a water quality certification under Section 401 and discharge permits under Section 402 of the Federal Water Pollution Control Act, as amended, if required, including the rationale if certification is not required. The staff should also note the state, local, and regional planning authorities that have been contacted or consulted.

Finally, the staff should review descriptions and records of public meetings and of meetings held with environmental and other citizen's groups with reference to specific instances of the compliance with citizens' group recommendations.

10.2 Review Procedures

The reviewer should determine that the applicant has satisfied all license, permit, and other approvals of construction and operations that are required by federal, state, local, and regional authorities with jurisdiction for the protection of the environment. Types of licenses or permits may include but are not limited to (i) source materials, (ii) underground injection, (iii) surface impoundment construction, (iv) surface discharge, (v) industrial ground-water, (vi) aquifer exemption, (vii) air quality, (viii) disposal well, and (ix) a state *in situ* leach mining permit. The federal and state approvals that have already been received should be listed, and those pending approval should be appropriately identified. The reviewer should determine that the applicant has presented the appropriate environmental assessment or full environmental impact statement for the proposed *in situ* leach site and surrounding area, regardless of whether the assessments are preexisting or prepared especially for this application. This section is intended to cover licensing and permitting of the process as a whole or parts of the process, and does not require a listing of certifications that may be required for equipment or personnel. Copies of associated documentation may be provided as an appendix to the application. NUREG-1748 (NRC, 2001) provides guidance for evaluating compliance with the consultation requirements of the National Environmental Policy Act.

For license renewals and amendment applications, Appendix A to this standard review plan provides guidance for examining facility operations and the approach that should be used in evaluating amendments and renewal applications.

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10.3 Acceptance Criteria

The status of environmental approvals and consultations is acceptable if it meets the following criteria:

- (1) The applicant provides a summary of all permits or licenses obtained for the proposed facility. These should clearly identify
 - (a) the type of permit or license
 - (b) The granting authority (local, state, regional, tribal authorities, or federal)
 - (c) The permit or license number (if appropriate)
 - (d) The current status, with expiration date, if appropriate
- (2) For permits not yet granted, the applicant provides a discussion of the current status of the application and objective evidence that the applicant has applied for, but has not yet received, the permit from the granting authority. Such evidence may include copies of documents such as letters from the granting authority or the permit application.
- (3) For permits and licenses not yet granted, the applicant indicates when approval is expected. Consultations with the granting authority can be summarized.
- (4) The granting authority is clearly defined and appropriate to the area being permitted or licensed. If permits are granted under Agreement State status, this should be identified in the application.
- (5) For licenses renewals and amendments, the applicant summarizes public meetings and meetings held with environmental and other citizens' groups since the last licensing application, and responses to the concerns expressed at these meetings.

10.4 Evaluation Findings

If the staff review, as described in this section, results in the acceptance of the environmental approvals and consultations, the following conclusions may be presented in the technical evaluation report.

NRC has completed its review of the environmental approvals and consultations for the _____ *in situ* leach facility. This review included an evaluation of the methods that will be used to acquire the environmental approvals and consultations using the review procedures in standard review plan Section 10.2 and the acceptance criteria outlined in standard review plan Section 10.3.

The applicant has acceptably identified the environmental approvals and consultations obtained or required for the proposed _____ *in situ* leach facility. The applicant has

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provided a summary of all permits and licenses obtained for the proposed facility that identifies the type of permit (license), the granting authority, the assigned number, and the current status with expiration date (if appropriate). For permits not yet received, the applicant has provided a discussion of the status of the application and evidence that the applicant has requested the appropriate permits, and an indication of when the approval is expected. The applicant has identified all permits issued under Agreement State status and demonstrated that the granting authority is appropriate for all permits. Any meetings held with environmental and citizens' groups are acceptably documented.

Based on the information provided in the application and the detailed review conducted of the environmental approvals and consultations for the _____ *in situ* leach facility, the staff concludes that the environmental approvals and consultations are acceptable and are in compliance with 10 CFR 51.45(d) which requires that the environmental report list all federal permits licenses, approvals and other entitlements that must be obtained in connection with the proposed action and describe the status of compliance with these requirements.

10.5 Reference

NRC. NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs." Washington, DC: NRC. 2001.