

June 1, 2004

Ms. Roberta Hoy
Program Principal
Wyoming Department of Environmental Quality
Land Quality Division
Herschler Building
122 West 25th Street
Cheyenne, WY 82002

SUBJECT: MAY 18, 2004, MEETING SUMMARY, STATUS OF THE MOU TO DEFER
GROUND-WATER REGULATION AT ISL URANIUM EXTRACTION FACILITIES
TO EPA-AUTHORIZED STATES

Dear Ms. Hoy:

The purpose of this letter is to transmit the enclosed meeting summary from the meeting between the U.S. Nuclear Regulatory Commission (NRC) staff and Federal and State regulators on May 18, 2004, in Denver, Colorado. Attached is the meeting summary (Enclosure 1), Meeting Agenda (Enclosure 2), and meeting sign-in sheet (Enclosure 3).

If you have any questions regarding this letter or the NRC staff review, feel free to contact me at (301) 415-7777 or by email at rcl1@nrc.gov.

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Ron C. Linton, Hydrogeologist
Fuel Cycle Facilities Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. May 18, 2004 Meeting Summary
2. Meeting Agenda
3. Meeting Sign-In Sheet

cc: Mario Salazar USEPA

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*see previous concurrence

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|-------------|-----------|--|-------------|--|-----------|--|
| OFC | FCFB | | FCFB | | FCFB | |
| NAME | R. Linton | | B. Garrett* | | R. Nelson | |
| DATE | 6/1/04 | | 5/28/04 | | 6/1/04 | |

MEETING SUMMARY

DATE: May 18, 2004

TIME: 5:00 p.m. - 6:00 p.m.

PLACE: Symphony Ballroom of the Executive Tower Hotel
1405 Curtis Street,
Denver Colorado 80202

PURPOSE: To discuss the status of the course of actions regarding the Memorandum of Understanding (MOU) to defer ground water regulation at *in-situ* leach (ISL) uranium extraction facilities to Environmental Protection Agency (EPA)-Authorized States.

ATTENDEES: See Enclosure 3

DISCUSSION:

The Nuclear Regulatory Commission (NRC) staff presented background information on the MOU process to defer ground-water regulation at ISL uranium extraction facilities to EPA-Authorized States to the State and Federal regulators present at the meeting. The NRC staff discussed the status of this action and the status of draft Regulatory Issues Summary (RIS) 2004-02, including a summary of comments received by the NRC from stakeholders. The NRC staff discussed the status of the final RIS. The final RIS has been modified slightly, however, the intent has not changed from that of the draft RIS. The final RIS will indicate that no adverse comments were received regarding the approach described in draft RIS 2004-02. The example MOU included in draft RIS 2004-02 is not being included in the final RIS that is expected to be issued at the end of May or beginning of June 2004.

Meeting participants were notified that the NRC staff will meet with State of Nebraska staff during the week of June 28, 2004, to begin reviewing the State's ground-water protection program. A meeting between State of Wyoming and the NRC to begin the ground-water protection program review has not been scheduled at this time. However, discussions of a meeting time have been initiated with the staff from the State of Wyoming.

A representative from the State of Colorado asked how frequently the final MOU between the NRC and a State would be reviewed. The NRC indicated that this issue hasn't been determined, however, the NRC staff is using the IMPEP approach as a model.

The EPA staff indicated that the NRC's and EPA's ground-water protection programs are not duplicative of each other but are complementary to ensure that all areas of ground-water protection are being regulated. In addition, they indicated that the reviews conducted by the NRC staff should be very thorough and ensure that no gaps between these two programs are left without appropriate review.

The NRC indicated that the purpose of the program reviews is to compare the State's ground-water protection program with that of the NRC. The EPA expressed their interest to be kept involved during the course of actions until the MOUs are finalized.

A representative from the State of Wyoming asked about potential changes in the overall schedule. The NRC indicated that the overall schedule for the completion of this action has some flexibility because of the lack of resources (i.e., hydrogeologists). Since this is a new and unique project, the staff may encounter unexpected issues that may affect the overall schedule. However, the schedule has been followed thus far and hasn't been altered. The NRC staff intends to adhere to the schedule if at all possible.

The State of New Mexico asked about the status and course of actions to be taken after they submitted a letter expressing their interest on this action. The NRC indicated that New Mexico currently does not have an operating ISL facility. Although the Crownpoint Uranium Project has been licensed, all legal issues related to the project have not been resolved and they would need to be resolved before the staff would begin developing an MOU with New Mexico.

ACTIONS: No action items were identified during the meeting.

ATTACHMENTS: None

MEETING AGENDA

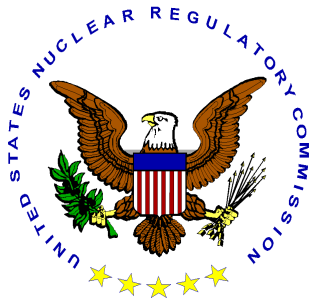
**U.S. Nuclear Regulatory Commission,
State of Nebraska, and State of Wyoming**

**Tuesday, May 18, 2004
5:00 p.m. - 6:00 p.m.**

MEETING PURPOSE: Status of the MOU to defer ground water regulation at ISL uranium extraction facilities to EPA authorized States.

MEETING PROCESS:

| <u>Time</u> | <u>Topic</u> | <u>Lead</u> |
|-------------|--|----------------------------------|
| 5:00 p.m. | Welcome and Introductory Remarks | Moderator |
| | Introductions | All |
| | Discuss the status of the course of actions regarding the MOU to defer ground-water regulation at ISL facilities | NRC, Wyoming, Nebraska, EPA, DOE |
| | Summary of Action Items | Moderator |
| 6:00 p.m. | Adjourn | |



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
HEADQUARTERS**

Attendee Sign-in Sheet

Subject NMA/NRC States Meeting

Date: May 18, 2004 Location: Executive Towers Hotel, Denver, CO

PLEASE PRINT ALL INFORMATION LEGIBLY

| NAME (e.g. J.B. Doe) | COMPANY TITLE (V.P. Nuclear Operations) | PHONE NUMBER (Area code) XXX=XXXX |
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| Patricia Bobeck | Texas Dept. of Health | (512) 834-6688 |
| Gary Janosko | NRC | (301) 415-7244 |
| Louis Carson | NRC/RIV | (817) 860-8221 |
| Jack E. Whitten | NRC/RIV | (817) 860-8197 |
| Ken Weaver | CO Dept of Public Health & Env. | (303) 692-3431 |
| Maria E. Schwartz | NRC | (301) 415-1888 |
| Bill von Till | NRC | (301) 415-6251 |
| Koben Durnski | EPA | (303) 312-6728 |
| Adam Klinger | EPA | (202) 343-9378 |
| Maryann Grodin | NRC/OIG | (301) 415-5945 |
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| Kevin Myers | NMEA | (505) 476-3506 |
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| Annette Kovar | Nebraska DEQ | (402) 471-3194 |
| David Miesbach | Nebraska DEQ | (402) 471-4982 |
| Mario Salazar | EPA HQ | (202) 564-3894 |
| Paul S. Osborne | EPA Reg VIII | (303) 312-6125 |

| NAME (e.g. J.B. Doe) | COMPANY TITLE (V.P. Nuclear Operations) | PHONE NUMBER (Area code) XXX=XXXX |
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