March 27, 2007

MEMORANDUM TO: Bill VonTill, Chief
Uranium Recovery Branch
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

FROM: Myron Fliegel, Senior Project Manager **/RA/**
Uranium Recovery Licensing Branch
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MARCH 15, 2007 PUBLIC MEETING WITH THE NATIONAL MINING ASSOCIATION REGARDING RULEMAKING ON GROUNDWATER PROTECTION AT URANIUM *IN SITU* LEACH FACILITIES

On March 15, 2007, a public meeting was held at the U.S. Nuclear Regulatory Commission's (NRC's) headquarters in Rockville, Maryland, to elicit the views of the National Mining Association regarding a rulemaking addressing groundwater protection at uranium *in situ* leach (ISL) facilities. Enclosed is a summary of the meeting.

In accordance with 10 CFR 2.390 of the 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.

Enclosure: Meeting summary

MEMORANDUM TO: Bill VonTill, Chief
Uranium Recovery Branch
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

FROM: Myron Fliegel, Senior Project Manager
Uranium Recovery Licensing Branch
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MARCH 15, 2007 PUBLIC MEETING WITH THE NATIONAL MINING ASSOCIATION REGARDING RULEMAKING ON GROUNDWATER PROTECTION AT URANIUM *IN SITU* LEACH FACILITIES

On March 15, 2007, a public meeting was held at the U.S. Nuclear Regulatory Commission's (NRC's) headquarters in Rockville, Maryland, to elicit the views of the National Mining Association regarding a rulemaking addressing groundwater protection at uranium *in situ* leach (ISL) facilities. Enclosed is a summary of the meeting.

In accordance with 10 CFR 2.390 of the 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.

Enclosure: Meeting summary

DISTRIBUTION:

DURLD r/f DOrlando

ML070850884

OFC	FSME/DWMEP	FSME/DWMEP	FSME/DWMEP
NAME	M.Fliegel	B.Garrett	B.VonTill
DATE	3/27/07	3/27/07	3 /27/07

OFFICIAL RECORD COPY

Meeting Summary
Uranium *In Situ* Leach Facility Rulemaking
Meeting with National Mining Association

Date/Time of Meeting: March 15, 2007, 2:00 p.m.

Location of Meeting: Nuclear Regulatory Commission
Two White Flint North
Room T8E-8

Agenda: Attachment 1

Attendees: Attachment 2

Summary:

The meeting was held to obtain the views of the uranium milling industry with regard to a rulemaking addressing groundwater protection at uranium *in situ* leach (ISL) facilities. The rulemaking effort was initiated in compliance with Staff Requirements Memorandum COMJSM-06-0001, dated March 24, 2006. The commission recently directed the staff to meet with the U.S. Environmental Protection Agency (EPA) and the National Mining Association (NMA) to elicit their views. The staff had met separately with EPA on several occasions and EPA staff participated in this meeting with the NMA.

The NMA participants stated that its members agreed that the groundwater cleanup standards for conventional mills in criterion 5 of 10 CFR 40, Appendix A are appropriate standards for restoration of mining zones at ISLs. The NMA stated that it was most desirous that the rule clearly allow an alternate concentration limit (ACL) as a standard for groundwater restoration at ISLs. Although the use of ACLs are discussed in staff guidance (specifically in NUREG-1569) and explicitly allowed in criterion 5B(5)(c) of Part 40, Appendix A, NMA stated that it prefers a rule that specifically permits the use of ACLs as a standard for restoration of groundwater at ISLs.

NMA also stated that it believed (and NRC staff agreed) that a State's class-of-use designation of an aquifer should be considered by NRC in reviewing a proposed ACL for ISL groundwater restoration. With regard to deferral of groundwater protection at ISLs, NMA understood that deferral to a State under the underground injection control program could only be considered if the State was implementing a groundwater program compatible to or more restrictive than NRC's program.

The meeting concluded at 4:00 p.m.

Attachments:
1. Meeting agenda
2. Meeting attendance list

Enclosure

MEETING AGENDA
National Mining Association
Thursday, March 15, 2007
2:00 p.m. - 4:00 p.m.

MEETING PURPOSE: Obtain National Mining Association's Views on Rulemaking Regarding Groundwater Protection at Uranium *In Situ* Leach Facilities.

MEETING PROCESS:

Time	Topic	Lead
2:00 p.m.	Welcome and introductory remarks	Moderator
	Introductions	All
	Discussion of ISL rule	All
	Summary of Action Items	Moderator
	Public comments/questions	
4:00 p.m.	Adjourn	

MEETING ATTENDEES

Date: March 15, 2007

Subject: National Mining Association on ISL Rulemaking

NAME	AFFILIATION	PHONE NUMBER	E-MAIL
Mike Fliegel	NRC	301-415-6629	mhf1@nrc.gov
Roy Simon	OGWDW/EPA	202-564-3868	simon.roy@epa.gov
Keith McConnell	NRC	301-415-7295	kim@nrc.gov
Larry Camper	NRC	301-415-7437	lwc@nrc.gov
Loren Setlow	EPA/RPD	202-343-9445	setlow.loren@epa.gov
Brian Littleton	EPA/RPD	202-343-9216	littleton.brian@epa.gov
Anthony J. Thompson	Thompson & Simmons	202-496-0780	AJTHOMPSON@ATHOMPSON LAW.COM
Katie Sweeney	Nat'l Mining Ass'n	202-463-2627	ksweeney@nma.org
William Paul Goranson	Mestena Uranium LLC (NMA)	361-884-2191	pgoranson@mestenainc.com
Bill VonTill	NRC	301-415-0598	rwv@nrc.gov
Gary comfort	NRC	301-415-8106	gcc1@nrc.gov
Bill Rautzen	NRC	301-415-7206	wrr@nrc.gov
Susan Stahle	EPA/OGC	202-564-1272	stahle.susan@epa.gov
Marilyn Ginsberg	EPA/OW	202-564-3881	ginsberg.marilyn@epa.gov
Ron Linton	NRC	301-415-7777	rcl1@nrc.gov
Latif Hamdan	ACNW	301-415-6639	lsh@nrc.gov
John Hull	OGC - NRC	301-415-1573	jth@nrc.gov
Francis Cameron	OGC - NRC	301-415-1642	chipcamx@msn.com