



STATUS OF RULEMAKING: GROUNDWATER PROTECTION AT *IN SITU* LEACH (ISL) URANIUM EXTRACTION FACILITIES

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- I. Rulemaking activities
- II. Rulemaking schedule
- III. Items of interest

- Commission Direction: SRM-COMJSM-06-0001, March 24, 2006
 - Directed staff to initiate rulemaking
 - Specifically tailored to groundwater protection at ISLs
 - Focus on elimination of dual regulation
 - Defer active regulation of groundwater programs
 - Required proposed rule to Commission by January 2007
 - Directed staff to discuss implementation of interim measures with stakeholders
 - Pursue MOUs with states
 - Exercise enforcement discretion

I. Rulemaking: 2006 (cont.)

- June 14, 2006 – First rule working group meeting
 - NRC staff and OAS staff working group members
- June 20, 2006 – NRC letter to EPA
 - NRC requests EPA confirm UIC rules are the appropriate standards
- June 29, 2006 – Public meeting and workshop on rulemaking
 - Following NMA/NRC Workshop
- August 3, 2006 – EPA/NRC meeting
 - EPA letter to NRC expressing concern using UIC regulations as standards for rule

I. Rulemaking: 2006 (cont.)

- August 15, 2006 – EPA/NRC meeting on NRC proposed rulemaking path
 - EPA did not agree on UIC regulations as basis for groundwater protection
 - UMTRCA regulations are appropriate 40 CFR Part 192 and 10 CFR Part 40, Appendix A
 - Regulation of ISLs under UIC program in nonauthorized States
- September 16, 2006 – Working group meeting
- November 28, 2006– Commission informed

- February 12, 2007 – Briefing of ACNW Status of ISL Rule
 - Discuss EPA concerns
- February 21, February 26 and March 12, 2007 - EPA/NRC meetings
 - Rule language and path forward
 - Restoration standard Appendix A, Criterion 5
 - Use of UIC language
 - Table 5c: Out-of-date for some constituents

I. Rulemaking: 2007 (cont.)

- March 15, 2007 – EPA/NRC/NMA public meeting
 - Discuss EPA concerns using UIC restoration standards relayed to industry
 - Review Appendix A as the primary standard (background or MCL)
 - Review Appendix A as the secondary standard (ACLs)
- March 28, 2007 – EPA/NRC meeting
- April 10, 2007 – ACNW briefing
- April 30, 2007 – COMSECY 07-0015
 - NRC staff proposed path forward for rulemaking on groundwater protection at ISLs
- May 9, 2007 – ACNW letter on rulemaking to Chairman with recommendations

I. Rulemaking: 2007 (cont.)

- June 8, 2007 – SRM COMSECY 07-0015, “Path Forward For Rulemaking On Groundwater Protection At In Situ Leach Uranium Extraction Facilities”
 - The Commission approved resumption of the rulemaking process for groundwater protection at ISL facilities to conform to 40 CFR Part 192
 - The Commission required the staff to–
 - Engage interested stakeholders through public workshops
 - Work closely and cooperatively with EPA
 - Remain diligent in working with EPA and appropriate States to establish appropriate standards to protect public health, safety and the environment
 - Reduce and preferably eliminate dual regulation

I. Rulemaking: 2007 (cont.)

- August 6 and September 12, 2007 – ISL rule working group meeting
 - Working group expanded to include EPA & CRCPD
 - Draft of rule
- October 24 and December 5, 2007 – EPA/NRC meetings
 - Groundwater restoration language from Appendix A
 - UIC rule language can be used in new ISL rule
 - How to keep Table 5c up-to-date
- December 17, 2007 – ACNW&M briefing on ISL rule status

- 1/24/08 – EPA/NRC meeting
 - Issues resolved
- 2/21/08 – ISL working group meeting
 - Continued work on draft rule language
- Current – Memorandum on Status of Development of Proposed Rule for Groundwater Protection at In Situ Leach Uranium Recovery Facilities
- Current – Draft Statement of Considerations

II. Rulemaking Schedule

- Proposed rule to Agreement States – July 2008
- Proposed rule to Commission – October 2008
- Proposed rule published – January 2009?
- Stakeholder workshops during comment period

III. Items of Interest Rule Topics

- Definitions
- Site characterization
- Pre-operational monitoring
- Well field design and construction requirements
- Operating, monitoring, and reporting requirements
- Mechanical integrity
- Post-operational groundwater quality restoration
- Plugging and abandonment
- Corrective action

III. Items of Interest

- Restoration based on 40 CFR Part 192 and 10 CFR Part 40, Appendix A
- Use of NUREG-1569 and UIC language
- Groundwater protection for uppermost aquifer
- Table 5c vs. current EPA MCLs
- NRC will update guidance in NUREG-1569

