October 26, 2009

Ms. Susan E. Bromm
Director, Office of Federal Activities
U.S. Environmental Protection Agency
Washington, D.C. 20460

SUBJECT: SUMMARY OF TELECONFERENCE HELD ON OCTOBER 7, 2009, BETWEEN EPA HEADQUARTERS, EPA REGION 8, AND THE NRC REGARDING FUTURE INTERACTION ON NRC's ENVIRONMENTAL REVIEWS FOR IN-SITU URANIUM RECOVERY FACILITIES

Dear Ms. Bromm:

On October 7, 2009, the staff from the U.S. Environmental Protection Agency (EPA) headquarters, EPA Region 8 and the U.S. Nuclear Regulatory Commission (NRC) met via teleconference call to discuss EPA's letter dated July 6, 2009, to the NRC Rulemaking Directives and Editing Branch. NRC appreciates EPA's interest in the *Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities* (GEIS) and in NRC's environmental documents related to ISR facilities.

In the July 6, 2009 letter, EPA expressed its view that some of EPA's comments on surface water, groundwater, air quality impacts and government-to-government consultations were not adequately addressed in the NRC's final GEIS. In the same letter, EPA also requested that EPA:

1. Be notified when scoping is initiated for each in-situ uranium recovery (ISR) environmental review that is tiered from the GEIS, and

2. Receive copies of all NRC environmental assessments, tiered from the GEIS, during the public review period.

During the call, the NRC staff discussed the overall purpose of the GEIS, as well as elaborated on each concern the EPA expressed in the areas of water resources, air quality impact and government-to-government consultation. Below are the main issues that were discussed during the call:

- NRC and EPA coordination on future ISR environmental reviews: The NRC staff communicated that we fully intend to coordinate with EPA during on-going and future environmental reviews for uranium milling facilities given EPA's jurisdiction and expertise in several areas reviewed by the NRC. The NRC staff will inform the EPA when NRC begins information gathering to support its environmental reviews for new ISR facilities, as well as provide EPA with draft documents during the public review period so that EPA's perspectives and expertise can be reflected. As the ISR applications NRC has or expects to receive are in Wyoming, Nebraska, or South Dakota, NRC will also coordinate with EPA Region 8 on issues related to groundwater during such reviews. This should promote efficiency in each agency's review process for these facilities.

- The GEIS as starting point for site-specific ISR environmental reviews: The NRC staff reiterated that the GEIS is intended to support (not replace) the site-specific environmental reviews. The GEIS provides a programmatic assessment of potential impacts by analyzing the use of ISR technology for uranium recovery in four regions of the western United States. Site-specific issues will be further explored during the development of each site-specific environmental document tiered from the GEIS. Many of EPA's interests expressed in the July 6, 2009, letter will be addressed during site-specific environmental reviews as environmental impacts may be influenced by application-specific design considerations or site-specific conditions. For example, the GEIS evaluated potential environmental impacts based on the use of alkaline lixiviants for uranium recovery, because all currently active and proposed ISR facilities in the four regions use or would use alkaline-based lixiviants. However, should a new ISR license applicant propose the use of an acid-based lixiviant, the impacts of this lixiviant would be thoroughly evaluated during the NRC staff's site-specific environmental review, and the extent to which the environmental review could tier from the GEIS would likely be affected.

- Responses to EPA concerns other than in the GEIS: Many of the EPA's points related to groundwater, surface water, air quality, and government-to-government consultations have been addressed outside of the GEIS. For example, NRC has analyzed the historical impacts of excursions at ISR facilities on groundwater in a memo titled, "Staff Assessment of Groundwater Impact From Previously Licensed In-Situ Uranium Recovery Facilities" (ML091770187 and ML091770385) and the NRC requires an aggressive monitoring and corrective action program for groundwater excursions. The NRC staff intends to include this information on historical excursions and their impacts, as well as information on the NRC requirements for groundwater excursion monitoring, as part of the groundwater impact discussions in current and future ISR environmental reviews.

- Government-to-Government consultations: With regards to EPA's comments on providing information on government-to-government consultations that are underway, in addition to interaction with the Navajo Nation, the NRC staff communicated that the NRC fully intends to consult with all involved tribes during future site-specific reviews and have already engaged several tribes in the areas surrounding on-going and proposed uranium recovery facilities under review. The NRC staff provided a copy of NRC's strategy for outreach and communication with Indian tribes potentially affected

by UR sites to the EPA for its use and reference: http://www.nrc.gov/materials/uranium-recovery/public-meetings/ind-tribe-strat.pdf.

In sum, the NRC appreciates that the teleconference provided a forum where both the NRC and EPA could openly discuss and resolve issues related to the licensing of ISR facilities. The call contributed to a better understanding of each agency's interests and areas of focus in ISR reviews. NRC agrees that continued coordination between NRC and EPA during the licensing of facilities will promote efficiencies.

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 component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html.

If you have any questions concerning the above, please contact Haimanot Yilma of my staff at (301) 415-8029 or via email at Haimanot.Yilma@nrc.gov.

Sincerely,

/RA/

Patrice M. Bubar, Deputy Director
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

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Sincerely,

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OFC	EPPAD/ERB	EPPAD/ERB	EPPAD/ERB	EPPAD
NAME	HYilma	AWalker-Smith	AKock	PBubar
DATE	10/22/09	10/21/09	10/21/09	10/26/09

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