

Wu, Irene

From: Kock, Andrea *FSME*
Sent: Thursday, October 08, 2009 4:54 PM
To: FSME_DWMEP_ERD
Cc: Lemont, Stephen; Ford, William; Bradbury, John; Fetter, Allen; Striz, Elise; Kock, Andrea
Subject: Outcome of call with EPA yesterday

Yesterday, Jim, Haimanot, Bill Vontill and I had a call with EPA. The purpose of the call was to review some of EPA's comments on the GEIS that they indicated we had not addressed. The intent was to understand what can be done during our site specific UR ISR reviews to address EPA's concerns. I wanted to send this to all of you since at one time or another almost all of us will have some involvement with new UR ISR reviews and we need to ensure that our commitments during calls such as this with other agencies are met. Here are the major takeaways:

-EPA's main concern was that NRC address the history of groundwater excursions in both the GEIS and the SEISs. We did address the history of excursions in the GEIS. In addition, Bill Von Till's group recently wrote a memo to the Commission which went into detail about the excursions that have occurred but emphasized that no negative environmental impacts have occurred. The memo is at ML091770187 and the attached report at ML091770385. Since groundwater excursions and their impacts are the main concern of our stakeholders for these sites, we should be sure to explain this history in our environmental reviews for new uranium recovery facilities. This means we should reference this memo and provide an introduction to the groundwater impacts section that summarizes this history and the resultant environmental impacts (none to date since drinking water has been unaffected) and discusses NRC's requirements for monitoring and control of excursions.

-A related issue was EPA's concern about NRC using alternative concentration limits for clean up. In essence, if the licensee cannot meet our cleanup goals, they can request alternate concentration limits that we might approve. We explained in the GEIS that licensees need to demonstrate that these ACLs are protective of public health and safety. In our SEISs, we should provide a brief description of our restoration requirements, the use of ACLs, and our requirements for approval of these ACLs.

-EPA is concerned about financial surety of these facilities. We did explain that this is not as much an environmental issue as an issue that is evaluated in the safety review. Since we do have a paragraph in our SEISs that explains that financial surety is required, we should reference the fact that this information is reviewed and assurance of financial ability for site clean up is required before a license is issued.

-EPA Region 8 has expressed that they would like to see early drafts of our groundwater sections. We should negotiate with them on a project by project basis when a good time for us to provide this such that EPA can make comments and we can address them. We should make it clear that if comments are not received by a certain date, then we will need to address EPA comments during the public comment period.

Actions:

-For the 3 SEISs we are currently working on and all future ISR SEIS, we should include a brief history of groundwater excursions at NRC licensed sites and resultant environmental impacts as well as a brief explanation of NRC's groundwater standards and use of ACLs. Jim I understand you are drafting up a generic paragraph for us to use for those we are currently working on

-Johari- send the memo from Bill VonTill's group as well as a copy of this email to CNWRA

-For the 3 SEISs we are working on and in the future- provide EPA with a copy of the groundwater impacts section and work with Jim Hanley of EPA R8 to resolve any concerns.

-Haimanot- draft a letter back to EPA which acknowledges the call, summarizes the topics discussed, and indicates that the call resulted in a better understanding of both agencies on the issues of interest to both agencies and how they have or will be addressed through the environmental review process either in the GEIS or site specific reviews. We should indicate that we will notify EPA when we begin information gathering and when documents are issued for public comment.

-Provide for an action in our project plans to notify EPA when scoping begins and when documents are released for public comment.-All

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