

July 26, 2000

MEMORANDUM William D. Travers
TO: Executive Director for Operations
FROM: Annette L. Vietti-Cook, Secretary /RA/
SUBJECT: STAFF REQUIREMENTS - SECY-99-0013 - RECOMMENDATIONS ON WAYS TO IMPROVE THE EFFICIENCY OF NRC REGULATION AT *IN SITU* LEACH URANIUM RECOVERY FACILITIES

The Commission has disapproved the staff's recommendation to pursue Option 3 or 4 -- production bleed would no longer be considered 11e.(2) material. Instead, the Commission has approved Option 2 - classify all liquid effluents as 11e.(2) byproduct material at *in situ* leach (ISL) uranium recovery facilities. Under Option 2, the NRC takes the position that any waste water generated during or after the uranium extraction phase of site operations, and all evaporation pond sludges derived from such waste waters, would be classified as 11e.(2) byproduct material. The staff would make no legal distinction among the waste waters produced at different stages in a facility's life cycle. This revised position should be implemented immediately and codified in the new rule and associated regulatory guidance.

In addition, the Commission has approved the staff continuing discussions with EPA and appropriate States to determine the extent the NRC can rely on the EPA Underground Injection Control (UIC) program for ground-water protection issues, thereby potentially minimizing NRC review of ground-water protection issues at ISL facilities. Part of the discussions with EPA and appropriate States should include appropriate methods to implement any agreements, including MOUs (if necessary) and/or language in the new Part 41. In the interim, it is recognized that dual regulation of the groundwater at *in situ* leach facilities by NRC and EPA will continue until such time that NRC can defer to EPA's UIC program.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
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