



DEFERRING ACTIVE REGULATION OF GROUNDWATER PROTECTION AT *IN SITU* LEACH URANIUM EXTRACTION FACILITIES - Continued

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Introduction

- Presentation last year – Robert Nelson
- Update of activities in past year
- Expectations for next year

Background

- SRM to SECY-99-0013 – July 2000
 - all waste from ISLs – 11e.(2) under NRC authority
 - dual regulation of groundwater protection at ISLs
 - staff directed - use EPA UIC program- try to eliminate dual regulation
- Staff held meetings with EPA, Nebraska, and Wyoming

Background (cont.)

- SECY-03-0186 – October 2003
 - staff proposed – defer groundwater regulation to EPA-authorized States
 - develop MOU with each State
 - Based on compatibility of State's UIC program and NRC UMTRCA program
- SRM – November 2003 – Commission approved

Interactions with States

- Staff conducted evaluations of States' UIC programs – summer 2004
- Variances found between States' and NRC's programs
 - NRC – primary standard – restoration to background
 - if unachievable – restoration to class of use
 - States – primary standard – restoration to class of use
- Staff conveyed its findings to Commission – SECY-05-0123 – July 2005

Commission Direction

- SRM-COMJSM-06-0001 – March 2006
- Directed staff to initiate rulemaking
 - specifically tailored to groundwater protection at ISLs
 - focus on elimination of dual regulation
 - Provide proposed rule to Commission by January 2007
- Staff to discuss implementation of interim measures with stakeholders
 - pursue MOUs – States uphold current NRC regulations and license conditions
 - exercise enforcement discretion – licensees prepare amendment requests

Rulemaking Process

- Public meeting and workshop – June 29
- Proposed rule to Agreement States – November 2006
- Proposed rule to Commission – January 2007
- Proposed rule published – March 2007
- Stakeholder workshops during comment period