{In Archive} Fw: Statement for In-Situ Leach Uranium Milling Facilities - Draft Report for Comment"

Jose Torres to: Larry Wright, Philip Dellinger, Ray Leissner 08/11/2008 10:13 AM

From: Jose Torres/R6/USEPA/US
To: Larry Wright/R6/USEPA/US@EPA, Philip Dellinger/R6/USEPA/US@EPA, Ray Leissner/R6/USEPA/US@EPA
Archive: This message is being viewed in an archive.

Gentlemen:

FYI: Some additional NRC related information, this one concerns Agreement States and NEPA.

----- Forwarded by Jose Torres/R6/USEPA/US on 08/11/2008 10:15 AM -----

James Park
<James.Park@nrc.gov>
08/11/2008 08:18 AM

To Jose Torres/R6/USEPA/US@EPA
cc
Subject RE: Statement for In-Situ Leach Uranium Milling Facilities - Draft Report for Comment"

Mr. Torres,

You're very welcome.

One additional thought with respect to the Agreement States. NEPA is a requirement for federal agencies, and so the GEIS is to help in meeting NRC's NEPA responsibilities for site-specific licensing of in-situ leach uranium mills. Agreement States, such as Texas, are not required to follow NEPA. They may have their own NEPA-like statutes and regulations, but there's no such federal requirement that they have them.

Sincerely,
James Park

-----Original Message-----
From: Torres.Jose@epamail.epa.gov [mailto:Torres.Jose@epamail.epa.gov]
Sent: Friday, August 08, 2008 5:14 PM
To: James Park
Subject: RE: Statement for In-Situ Leach Uranium Milling Facilities - Draft Report for Comment"

Thank you Mr. Park for your prompt response and for such an enlightening discussion on the difference between "mining" and "milling" as it pertains to uranium mining operations, and for bringing up the fact that, from the NRC's perspective, there are Agreement states and non-Agreement states, plus details on NRC's regulatory authority with regard to those operations and states.

I am glad I asked the questions and will be sharing this information with members of my Section here in EPA, Region 6. Thank you again for your attention in this matter. Have a nice weekend. Sincerely,

José Eduardo Torres - 6WQ-SG
Ground Water/UIC Section
EPA, Region 6
(214) 665-8092

James Park
<James.Park@nrc.gov>

08/08/2008 02:36 PM

To
Jose Torres/R6/USEPA/US@EPA

cc

Subject
RE: Statement for In-Situ Leach Uranium Milling Facilities - Draft Report for Comment"

Mr. Torres,

Your first question concerned NRC's use of "milling" rather than "mining." Mining involves the removal of the uranium ore from its place in nature, while milling is the processing of that ore for the uranium. NRC's regulatory authority extends solely to uranium milling and not to mining.

Under NRC's regulations at 10 CFR 40.4, uranium milling involves the production of byproduct material as defined under Section 11e.(2) of the Atomic Energy Act, which is the original governing legislation for the NRC (when it was then known as the Atomic Energy Commission). 11e.(2) byproduct material has a strict legal definition associated with the milling of ores containing either certain levels of uranium or thorium or a combination of both.

In the in-situ leach process, mining and milling happen together; however, because the ISL process reintroduces some of the 11e.(2) byproduct material into the subsurface aquifer as the leach solution is re-circulated, NRC's authority extends to the affected aquifer.

Your second question concerned the lack of mention of Texas. The draft GEIS addresses the potential environmental impacts of the in-situ leach process in those States where NRC would be the licensing authority for such activity. Texas is an NRC Agreement State. Under a signed agreement with the NRC, Texas has taken over the regulation and licensing of uranium milling within its state boundaries. Colorado and Utah are examples of two other Agreement States with the authority to regulate and license uranium milling. For this reason, the draft GEIS does not discuss ISL activity in Texas or other Agreement States.

I hope this helps clarify the matter for you.

Jim Park

-----Original Message-----
From: Torres.Jose@epamail.epa.gov [mailto:Torres.Jose@epamail.epa.gov]
Sent: Friday, August 08, 2008 2:58 PM
To: James Park
Subject: Re: Statement for In-Situ Leach Uranium Milling Facilities - Draft Report for Comment"

Hello Mr. Jim:

For nearly nine years, I have been reviewing information on the in-situ solution mining of uranium, a uranium mining process as you well know, in Texas, but am, by no means, an expert on the subject. After reviewing your interesting e-mail under the captioned, I am curious about two things:

The first item that caught my attention was the terminology: "uranium milling" seems to suggest (to me, at least) a process different from "uranium mining". If this is not the case (and the context of the message seems to suggest that it is not), I would appreciate hearing something about the rationale behind using "uranium milling" in place of "uranium mining".

The second feature of the mailing that I took notice of, is the fact that no reference is made in the e-mail to the state of Texas as a uranium producing state, where the in-situ solution mining of uranium has become more and more notorious as the price of uranium has increased, and where burning issues between citizens and operators have as well become more and more notorious.

Any feedback that you may care to provide will be greatly appreciated. Have a great weekend. Sincerely,

Jose Eduardo Torres - 6WQ-SG
EPA, Region 6
(214) 665-8092