Message

From: Bahrman, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1D493CF492ED4FC0BE275A699826A64C-BAHRMAN, SARAH]
Sent: 10/20/2017 9:10:02 PM
To: Shea, Valois [Shea.Valois@epa.gov]; Minter, Douglas [Minter.Douglas@epa.gov]
CC: Chin, Lucita [Chin.Lucita@epa.gov]
Subject: RE: Part 192 vs. UIC Class III regulations...

Thanks, Valois!

Ex. 5 Deliberative Process (DP)

Sarah E. Bahrman | Director, Safe Drinking Water Program | U.S. Environmental Protection Agency - Region 8
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From: Shea, Valois
Sent: Friday, October 20, 2017 3:06 PM
To: Minter, Douglas <Minter.Douglas@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>
Cc: Chin, Lucita <Chin.Lucita@epa.gov>
Subject: RE: Part 192 vs. UIC Class III regulations...

Hi Sarah,
I have attached some responses to Darcy's comments.

I think this info below may be included to cover the response to Darcy's 3rd comment.

Ex. 5 Deliberative Process (DP)

For Darcy's 2nd comment, the ASLB directed the NRC staff to go back and try again with the survey.

Valois

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From: Minter, Douglas
Sent: Friday, October 20, 2017 1:37 PM
To: Bahrman, Sarah <Bahrman.Sarah@epa.gov>

Cc: Shea, Valois <Shea.Valois@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>
Subject: FYI: Part 192 vs. UIC Class III regulations

Sarah: as I am reading through Powertech's general Class III comments, it strikes me (again) that they are trying to argue that the UIC program is "getting out ahead" of the Part 192 rulemaking process for uranium ISR facilities. Whether we choose to highlight the dynamic between our Class III regs and Part 192 in this briefing paper for Patrick, here is what I recall we provided the Administrator in December 2016 which we may be able to use in response to Powertech's arguments:

- The Part 192 regulations proposed under UMTRCA are independent of but complement existing UIC requirements (i.e., Class III and aquifer exemption criteria) and there are some important distinctions that allow both authorities to effectively work in concert:
  - UMTRCA focuses public health, safety and environmental protection from radiological and non-radiological hazards associated with uranium ore processing and waste disposal at associated ISR facilities, while Class III permitting requirements focus on protection of USDWs in/around ISR sites;
  - UMTRCA requires EPA to set standards of general application that the NRC can use to develop implementing regulations, while Class III permit requirements protect USDWs pursuant to UIC regulations;
  - UMTRCA authorities primarily focus on the ISR facility and formations in which ISR is occurring while Class III requirements are enforced to prevent the movement of contaminants into USDWs including those over/underlying and downgradient of exempted aquifers; and
  - Unlike SDWA regulations (which include criteria at 40 CFR 146.4 to exempt aquifers from SDWA protection), UMTRCA authorities could be used to protect a number of future uses of an exempted aquifer (e.g., individual drinking water wells; livestock wells) despite the aquifer's use or former use for mining.

Douglas

From: Bahrman, Sarah
Sent: Friday, October 20, 2017 12:58 PM
To: O'Connor, Darcy <oconnor.darcy@epa.gov>
Cc: Minter, Douglas <Minter.Douglas@epa.gov>; Shea, Valois <Shea.Valois@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>
Subject: Dewey Burdock briefing paper

Hi Darcy –
Here's the draft briefing DB briefing paper for Monday. This includes a couple of new bullets under the Class III section that explain the Class III permit requirements.

Please let us know if you have any comments/questions as you review.

Thanks,
Sarah

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