

The Uranium Recovery Industry

National Mining Association
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Regulatory Certainty: Our Biggest Challenge

- ▶ Companies need to know the rules of the game. Of critical importance are:
 - Permitting timeframes
 - Applicable regulations and policies
 - Consistent applications of regulations and policy
 - No changes to regulations without compliance with the APA
 - Strong agency defense of applicable program and regulations

Promoting Regulatory Certainty: NRC on the Right Path

- ▶ Generic Environmental Impact Statement for *In Situ* Leach Uranium Milling Facilities
 - NMA was supportive of the development of the document and will be assessing its implementation
 - Necessary to handle anticipated applications while assuring adequate protection of health, safety and the environment
- ▶ BLM/NRC Memorandum of Understanding for Development of Uranium Resources on Public Lands

Uncertainty Example: Standards for Groundwater Protection at ISR Facilities

- ▶ What are the current standards?
- ▶ NMA position: currently there are no generally applicable UMTRCA standards, necessitating an NRC rulemaking that would make EPA 40 CFR part 192 standards applicable “as a matter of law.”
- ▶ NRC position: Unclear – thought NRC shared NMA’s position due to pendency of rulemaking, until issuance of RIS 2009-05.
 - 2009-05 represents a departure from current regulatory requirements in violation of the APA

Uncertainty: Revisions to Regulatory Guides

- ▶ ISR Applicants have been told that they cannot entirely rely on the 3 most critical guidance documents that assist in preparation of their applications
 - Have been told that some provisions of the Standard Review Plan, Regulatory Guide 8.30 and Regulatory Guide 8.31 do not reflect current thinking at NRC
 - These guidance documents will be revised, but until then, should existing guidance apply?
 - When will the guidance documents be revised?