

May 7, 2014

MEETING REPORT

MEMORANDUM TO: Bill Von Till, Chief
Uranium Recovery Licensing Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

FROM: Amy M. Snyder, Team Leader **/RA/**
Uranium Recovery Licensing Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

DATE/TIME: April 3, 2014
8:00 a.m. – 12:00 p.m.

LOCATION: U.S. Nuclear Regulatory Commission (NRC)
Two White Flint North, Room T2-B01
11545 Rockville Pike
Rockville, MD 20852

PURPOSE: Lessons Learned

DISCUSSION:

On April 3, 2014, a Category 2 public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) and representatives of the National Mining Association (NMA) at the NRC Headquarters in Rockville, MD. The purpose of the meeting was to discuss lessons learned from recent uranium recovery licensing and environmental reviews. The meeting notice and agenda are provided as Enclosure 1, as well as through the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession No. ML14080A185. This system provides text and image files of NRC's public documents. A list of attendees of this meeting is provided as Enclosure 2. The list of action items is provided in Enclosure 3. Presentation slides used during the meeting are accessible through ADAMS under Accession No. ML14091A276.

CONTACT: A. Snyder, FSME/DWMEP
(301) 415-6822

Ms. Katie Sweeney, NMA, thanked the NRC for holding the meeting and felt that the meeting would be helpful to everyone attending.

Mr. Larry Camper, NRC, gave the opening remarks for the NRC. Mr. Camper said that the Uranium Recovery Licensing Program at the NRC is doing very well, with seven projects in various stages of review, and the staff is ready to complete its reviews for the Dewey-Burdock and Ross applications and the Crow Butte License Renewal. Mr. Camper also acknowledged some programmatic challenges that the staff is addressing, such as the National Historic Preservation Act (NHPA) Section 106 process.

Mr. Kevin Hsueh, NRC gave an overview of the current environmental activities concerning in situ uranium recovery licensing actions as outlined in his presentation (ADAMS Accession No. ML14091A257). He stated that the staff continues to conduct the NHPA Section 106 reviews prior to or at about the same time the National Environmental Protection Act (NEPA) reviews are completed, as has been done for the Strata Energy Ross project and the Crow Butte license renewal. The NRC staff also continues to cooperate with the Bureau of Land Management (BLM) by jointly preparing the NEPA document and conducting the Section 106 process to minimize duplication of efforts, as appropriate. He noted that the Dewey-Burdock, Ross, and Smith Ranch/Gas Hills projects are examples of this cooperation.

With respect to NHPA and the Section 106 process, Mr. Hsueh said that the staff is working on draft internal staff guidance for the 106 process and estimated that it will be issued for public comment in the next few months. Further, Mr. Hsueh said that the NRC has established a one-year Advisory Council on Historic Preservation (ACHP) NRC liaison position, via interagency agreement, to support training and guidance development activities and provide advice on the NRC Section 106 process. He said that NRC has received feedback from Native American Tribes that they would like to participate in the archeological field surveys that applicants/licensees conduct in support of their applications. He said that NRC also is aware that the Tribes would prefer working with the Federal agencies instead of the applicants. He then said that NRC has set aside certain funds in fiscal year 2015 for NRC staff to work with the applicants and Tribes ahead of application submittals. He explained that this effort is still in the very early stages and to expect to hear more about this endeavor in the near future.

Mr. James Park, NRC, presented additional lessons learned during recent environmental reviews, focusing on those learned before and after application submittal to NRC for review (ADAMS Accession No. 14093A276).

In response to a question, Mr. Park also elaborated on the meaning of "big A" and "Little a" alternatives, as shown on slide 3 of his presentation. He explained that the "Big A" alternatives, for the purposes of the NEPA, are those that are intended to meet the overall need for the proposed action. It is recognized that not all of these alternatives will be carried through for detailed analysis, and for those that are not, the applicant/licensee would need to provide sufficient discussion and evaluation to support that determination. With respect to "little a" alternatives, these typically are the variations in aspects of the proposed action, e.g., waste management and disposal alternatives. As with the "Big A" alternatives, the applicant/licensee should provide appropriate analysis to support the use or elimination of certain variations in their proposed action.

With respect to issues following submittal of an application, Mr. Park highlighted the need for: (1) periodic and effective communication between the applicant and the staff; (2) regular updates to applicant/licensee permitting actions and figures; and (3) NRC's treatment of an applicant's comments on the draft supplemental environmental impact statement.

Next, Ms. Diana Diaz-Toro gave an overview of the work that the staff is doing on drafting internal staff guidance for the Section 106 process. As the guidance was still in development, she spoke only in general terms about the topic areas covered. She indicated that the draft guidance would be issued for public comment in the next few months.

Mr. Chris Pugsley, Thompson & Pugsley, LLC on behalf of the NMA, gave a presentation on the industry's perspective of the lessons learned from the recent uranium recovery lessons reviews as outlined in his presentation (ADAMS Accession No. ML14092A222). He began by saying that in NMA's view, regulators are already imposing changes to license applications reviews that are already in progress. Mr. Pugsley elaborated, saying that the industry has challenges at times with NRC's requests for additional information (RAIs) and discussed some recent experience with an ongoing NRC review for the AUC LLC's/Reno Creek Project.

Mr. Pugsley continued his presentation by noting that NMA believes that the dialogue on "lessons learned" must be continuous and constantly reinforced. NMA suggested that a discussion of lessons learned be continued at the annual NMA meeting (next held in June 2014) and that there be a semi-annual discussion and update (public) meeting thereafter. Then, Mr. Pugsley identified six issues that NMA believes are critical issues as outlined in his presentation (ADAMS Accession No. ML14092A222). Mr. Pugsley also mentioned that the staff's timing of informing the industry on Supplemental Environmental Impact Statement (SEIS) issues when the staff is developing its SEIS is problematic. Mr. Camper responded by saying that the common goal is to conduct and complete the safety and environment reviews with the Section 106 process at the same time. He added that we continuously refine our process. Mr. Camper continued by saying that he believes industry is more mindful of the role of the Native Americans and staff ensures we understand their needs. Both positions, that of industry and that of the Native Americans, are reasonable but fundamentally different. Mr. Aby Mohseni, NRC, said that the staff has made many enhancements to its Section 106 process and continues to work toward continuous improvements. Mr. Mohseni said that he had to make a correction to when the draft 106 guidance would be issued, noting that the guidance may take longer than anticipated due to staffing changes. He said that he hoped that the guidance will further industry's understanding of the NRC's Section 106 process and its obligations under the NHPA.

Next, Kathryn Floyd, Venable LLP, on behalf of NMA, commented on the role of a consulting party in the Section 106 process. She asked the staff to consider making the Section 106 records available to the public. She suggested that it may be helpful for staff to consider multi-goals for public involvement. She commented that she was happy to hear that the staff is developing guidance on the Section 106 process. She said that Memorandum of Agreements can be phased as a Programmatic Agreement. She noted that other Federal Agencies have successfully used ACHP regulations and guidance. She informed the staff that it can delegate authority to an applicant under the Section 106 regulations. Finally, she suggested that the staff consider opening a Twitter account to keep the public up to date on the Section 106 process for its projects.

NRC responded that they are familiar with the ACHP regulations and guidance. Staff said that they make publicly available information in the Section 106 record available as appropriate, but explained that much of the information is non-public, sensitive information. In addition, staff explained that only certain portions of the Section 106 process can be delegated to applicants and that it has been the staff's experience that when offering such authority, it was declined.

Next, Mr. John Schmuck, Cameco, on behalf of the National Mining Association, said that in the Crow Butte project there were challenges regarding the use of the archeological consulting firm. A contractor was used and their ability to access the archeological site was complicated. He suggested that the NRC consider guidance in this regard.

Mr. Pugsley said, that post-license issuance interactions are a concern. Specifically, he said that there were several recent issues in this regard that have caused applicants and licensees to be concerned. He said enhanced communication after a uranium recovery license is issued is necessary because it can be difficult to understand when, and in some cases how, some of the license conditions can be completed. Mr. Camper said that recently there was an issue regarding preoperational license conditions and their meaning with regard to preoperational inspection and the start of operations. Mr. Camper said that a preoperational inspection is not the basis for operations. License condition responses must be reviewed at Headquarters to include the NRC's Office of General Counsel. In the case in point, the staff had to evaluate the response in a safety evaluation and then the license then had to be modified to tie down the commitments. He pointed out that an inspection cannot be used to substitute for the steps just described. Mr. Camper informed the group that staff plans to meet with licensees shortly after issuance of their licenses to go over the content of the license and expectations as far as license conditions.

Mr. Pugsley said that NMA believes that for all uranium recovery facilities that decommissioning plays a significant role and NMA believes that it is important that licensees understand staff's policies and their legal basis on several items as noted in his presentation (ADAMS ML 14092A222). Mr. Drew Persinko, NRC, said that 10 CFR 20.1501 applies to uranium recovery facilities, requiring the licensees to conduct surface as well as subsurface surveys. He noted that the requirement for standby trusts was recently added and is now effective. This area is one in which the staff plans to work with the applicable states to determine if they have a similar mechanism that meets the intent of the NRC's standby trust requirement to avoid duplication. In addition, Mr. Robert Evans, NRC RIV, suggested an overview of decommissioning requirements for uranium recovery facilities be presented at NMA's annual meeting in June 2014.

Ms. Amy Snyder, NRC, then reviewed the list of action items resulting from the meeting (Enclosure 3) and time was provided for public comment. The meeting was adjourned at 11:55 a.m. instead of 4:00 p.m. as planned, because all presentations had been given, and all of NMA's issues had been discussed.

Please direct any inquiries concerning this meeting to Ms. Amy Snyder at 301-415-6822, or Amy.Snyder@nrc.gov.

Enclosures:

1. Agenda
2. Participant List
3. Action Items

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- 3. Action Items

DISTRIBUTION:

Meeting Attendees PMNS

ML14091A276

Office	DWMEP	DWMEP	DWMEP	DWMEP	DWMEP	DWMEP	DWMEP
Name	ASnyder	JPark	SAchten	BVonTill	KHsueh	AMohseni	ASnyder
Date	4/22/14	5/1/14	5/1/14	5/5/14	5/6/14	5/6/14	5/7/14

OFFICIAL RECORD COPY

PUBLIC MEETING ANNOUNCEMENT
Title: Uranium Recovery Lessons Learned Workshop
Date(s) and Time(s): April 03, 2014, 08:00 AM to 04:00 PM
Location: NRC Two White Flint North, T-2B1
11545 Rockville Pike
Rockville, MD

Category: This is a Category 2 meeting. The public is invited to participate in this meeting by discussing regulatory issues with the Nuclear Regulatory Commission (NRC) at designated points identified on the agenda.

Purpose: Discuss Uranium Recovery Licensing and Environmental Lessons Learned

Contact: Amy Snyder
301-415-6822
Amy.Snyder@nrc.gov

Participants: NRC
Office of Federal and State Materials and
Environmental Management Program

Participants: External
National Mining Association

Comments: A Teleconference bridge line will be available. Please contact the meeting contact no later than March 31, 2014.

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Link to meeting details: <http://meetings.nrc.gov/pmns/mtg?do=details&Code=20140559>

PUBLIC MEETING AGENDA
Uranium Recovery Lessons Learned Workshop
April 03, 2014, 08:00 AM to 04:00 PM
NRC Two White Flint North, T-2B1
11545 Rockville Pike
Rockville, MD

8:00 a.m. - 8:10 a.m.	Introductions, Opening Remarks, and Statement of Purpose
8:10 a.m. - 10:00 a.m.	NHPA section 106 discussion—status of guidance; perspectives on process from both NRC and licensees
10:00 a.m. - 10:15 a.m.	Break
10:15 a.m. - 10:30 a.m.	Public Comments
10:30 a.m. - 11:30 a.m.	Licensing & Environmental Review discussions – efficiencies
11:30 a.m. - 12:30 p.m.	Lunch Break
12:30 p.m. - 3:15 p.m.	Licensing & Environmental Review discussions (continued) – efficiencies and licensing issues
3:15 - 3:30 p.m.	Break
3:30 - 3:45 p.m.	Public Comments
3:30 - 3:45 p.m.	Public Comments
3:45 - 4:00 p.m.	Summary and Closing Remarks
4:00 p.m.	Adjourn

The time of the meeting is local to the jurisdiction where the meeting is being held. The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If reasonable accommodation is needed to participate in this meeting, or if a meeting notice, transcript, or other information from this meeting is needed in another format (e.g., Braille, large print), please notify the NRC meeting contact. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

ADAMS Accession Number: ML14080A185

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Link to meeting details: <http://meetings.nrc.gov/pmns/mtg?do=details&Code=20140563>
Commission's

Participant List

Nuclear Regulatory Commission

Larry Camper, FSME
Andrew Persinko, FSME
Aby Mohseni, FSME
Kevin Hsueh, FSME
Bill Von Till, FSME
Amy Snyder, FSME
Alan Bjornsen, FSME
Chad Glenn, FSME
Jill Caverly, FSME
James Firth, FSME
Kevin O'Sullivan, FSME
Mirabelle Shoemaker, FSME
Robert Evans, RIV
Linda Gersey, RIV

Nathan Goodman, FSME
Haimanot Yilma, FSME
James Park, FSME
Joan Olmstead, OGC
Tracey Stokes, OGC
Diana Diaz, FSME
Kathryn Floyd, FSME
Johari Moore, FSME
Kellie Jamerson, FSME
Doug Mandeville, FSME
Amy Snyder, FSME
John Saxton, FSME
Elise Striz, FSME
Sarah Achten, FSME

National Mining Association

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John Schmuck, Cameco, representing NMA, John_Schmuck@Cameco.com
Kathryn Kusske Floyd, Esq., Venable LLP, representing NMA, KKFloyd@Venable.com

Members of the Public present at the meeting

Oscar Paulson, Kennecott Uranium Company, Oscar.paulson@riotinto.com
John Cash, UR Energy, john.cash@UR-Energy.com
Dawn Kolkman, Uranerz, dkolkman@uranerz.com
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Mark Pelizza, Uranium Resources, Inc., mspelizza@uraniumone.com
Amy McMaster, Venable LLP, amcmaster@venable.com

Members of the Public were given the participant call in number

Jennifer Thurston, Information Network for Responsible Mining, jennifer@informcolorado.org
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Sarah Fields, Uranium Watch, sarah@uraniumwatch.org

Kenneth Czyscinski, EPA, Czyscinski.Kenneth@epa.gov

Mr. Jon Waterhouse

Ruth Chamas

Action Items

ACTION	DESCRIPTION	RESPONSIBLE PARTY	DUE DATE
1. Preconstruction and Construction Activities	<p>1a. NMA to provide a list of activities that it requests clarification on (from December 5, 2013 meeting). [Note: Discussed during meeting break]</p> <p>1b. Staff to consider a presentation on where does NRC draw the line between preconstruction and construction at the 2014 NMA annual meeting.</p>	<p>1a. NMA</p> <p>1b. NRC</p>	<p>1a. NMA to provide the information to staff well in advance of the annual NMA meeting so staff has time to evaluate and prepare for meeting.</p> <p>1b. NRC to coordinate with NMA Annual Meeting coordinator regarding agenda topics.</p> <p>Provided information from NMA is provided as described above, and topic is on the meeting agenda, staff to prepare and present clarification information at the 2014 annual NMA meeting.</p>
2. NRC's draft guidance on the 106 process	Consider presenting an overview of staff's draft guidance on the 106 process at the 2014 NMA annual meeting	NRC	<p>Contingent on staff resources. Lead staff member on guidance has been temporarily reassigned to work on Commission high priority.</p> <p>Provided guidance is issued before the 2014 meeting and the topic is on the meeting agenda, staff to prepare and present information at the 2014 annual NMA meeting.</p>
3. Post Licensing License Conditions	Consider presenting an overview of the timing of when preoperational license conditions should be addressed at the 2014 NMA annual meeting.	NRC	Provided the topic is on the meeting agenda, staff to prepare and present information at the 2014 annual NMA meeting.
4. Decommissioning Planning	Consider presenting an overview of decommissioning implementation expectations at the 2014 NMA annual meeting	NRC, RIV	Provided the topic is on the meeting agenda, staff to prepare and present information at the 2014 annual NMA meeting.
5. Alternative Concentration Limit (ACL) Process	Develop communication to articulate ACL process.	NRC	To be determined.