

June 12, 2014

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: John L. Saxton, Project Manager **/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

SUBJECT: MAY 15, 2014, PUBLIC MEETING SUMMARY

On May 15, 2014, a public meeting was held at U.S. Nuclear Regulatory Commission (NRC) Headquarters, at the request of the NRC, to discuss license conditions in Strata Energy, Inc.'s (Strata's) source and byproduct materials license SUA-1601, with an emphasis on what actions are required prior to scheduling a preoperational inspection. A summary of the meeting is enclosed.

Docket No.: 040-09091

Enclosure:  
Meeting Summary

CONTACT: John Saxton, FSME/DWMEP  
(301) 415-0697

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DISTRIBUTION:  
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**ML14160A080**

<b>OFC</b>	DWMEP	DWMEP	DWMEP	DWMEP	DWMEP
<b>NAME</b>	JSaxton	JWebb	SAchten	ASnyder	JSaxton
<b>DATE</b>	06/9/14	06/9/14	06/9/14	06/10/14	06/12/14

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## MEETING SUMMARY

DATE: May 15, 2014

TIME: 1:00 p.m. to 2:34 p.m.

PLACE: U.S. Nuclear Regulatory Commission, Headquarters  
Two White Flint North, Room T-8C5c  
Rockville, Maryland

PURPOSE: This meeting was held at the request of the U.S. Nuclear Regulatory Commission (NRC) to discuss license conditions in the Strata Energy, Inc.'s Source and Byproduct Materials License SUA-1601

ATTENDEES: See Attached Attendee List.

### BACKGROUND:

By letter dated April 24, 2014 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML14069A315), NRC staff transmitted source and byproduct materials license SUA-1601 (license) to Strata Energy, Inc. (Strata) for the Ross in situ recovery facility located in Crook County, Wyoming. The NRC staff requested this public meeting to provide Strata the opportunity to ask questions regarding the license conditions and ensure Strata understood actions required to be undertaken by the licensee to satisfy the conditions prior to NRC staff scheduling a preoperational inspection.

### DISCUSSION:

The NRC staff (staff) read the opening statement for a Category 1 public meeting. The staff began with a discussion of two general issues prior to the discussions on specific license conditions. The first general issue was a reiteration of the statement in the cover letter transmitting the license to the licensee that the preoperational license conditions had to be completed to the satisfaction of staff prior to staff's scheduling its participation in the requisite preoperational inspection. The second issue was the lack of an expiration date listed on the issued license. The expiration date is April 30, 2024, which is based 10 years after issuance of the license. Staff indicated that the license will be amended in the near future to correct this error.

The NRC Region IV staff presented an overview of the preoperational inspection process and logistical information. In brief, the preoperational inspection will consist of a team of inspectors (approximately 4 personnel) on site for approximately a week. Based on results of recent preoperational inspections, it is likely that follow-up inspection(s) of a day or two with a more limited team (generally a single inspector) will occur for issues that were not completed to the satisfaction of staff during the initial week inspection. The scheduling of a preoperational inspection will require three to six months notice.

Enclosure

The preoperational inspection is different from the routine compliance inspections to be performed during operations. In those operational inspections, inspectors verify that a licensee is in compliance with the applicable requirements and may issue violations for non-compliance. In the preoperational inspection, the inspectors will verify that the plant has been constructed, people are trained and equipment has been properly tested; the intent of the inspectors is not to issue violations for non-compliance but to ensure that all aspects of the licensee's operations are in compliance with commitments regulations, license conditions and regulations. Once the inspectors are satisfied that the licensee has met its obligations, RIV will issue an authorization to operate.

Strata personnel asked about the timeframes listed in several license conditions (e.g., 60 days prior to the preoperational inspection) which were incongruent with staff's estimation of a minimum of 3 months to schedule a preoperational inspection and staff wanting the conditions to be satisfied prior to the scheduling of the inspection. Staff acknowledged this inconsistency; it was an artifact of recent developments for another licensee which occurred after Strata agreed to the draft license conditions. Consequently, staff had a choice to either change all license conditions to eliminate the inconsistency, or explicitly discuss with the licensee through this public meeting of staff's expectation that all preoperational license conditions have to be met prior to staff scheduling a preoperational inspection, regardless of the timeframes listed in the license. Strata personnel noted that they were aware of those recent developments and have decided to address the preoperational license conditions as soon as possible (as oppose to delaying until several months before the preoperational inspection). Staff acknowledged that Strata had already submitted information to resolve LC 12.13.

Stata personnel asked about need to test certain components (e.g., dryer) prior to the preoperational inspection. The NRC staff clarified that staff expected that testing to ensure the equipment and/or procedures have been adequately vetted prior to the preoperational inspection; however, principal activities, which include injection of chemicals into the subsurface would not be permitted. In addition, staff noted that the preoperational inspection can be phased (i.e., the equipment and procedures are completed up to a certain point in the operations), and that the later phases can be performed during a subsequent limited team inspection. If the phased approach is taken, staff will issue the authorization to operate up to the point that the inspectors had verified.

Staff expects that Strata will be ready with all aspects of the operation (or up to the proposed phase, as appropriate) at the preoperational inspection.

The staff suggested that a 1-day site visit prior to the preoperational inspection may be useful to evaluate the construction aspect of the review.

The staff inquired about Strata's anticipated schedule for construction of the facility. Strata personnel indicated that the scheduling has not been completed and at the present time only minor activities (e.g., several monitoring wells, the containment barrier wall, sedimentation pond for surface water runoff) have been performed.

NRC staff and Strata personnel discussed the license conditions. In general, the NRC staff and Strata personnel had similar expectations of the intent for the preoperational license conditions. Strata personnel asked about LC 12.1 with respect to obtaining the Plan of Operations (POO) from the Bureau of Land Management (BLM) if the planned operations for the initial startup does not impact the surface area under jurisdiction of BLM, which is minor portion of the licensed area. Strata's concern is about the time needed for BLM to complete its environmental report. Staff agreed that the preoperational inspection can proceed without the POO as long as BLM and the NRC staffs are aware of this limitation.

In reference to LC 12.7, Strata inquired about the timing on finalizing the Interim Draft Guidance (IDG) on radon surveys/compliance with 10 CFR Part 20. The staff responded that they were not aware of the timing but will include it as an action item for the staff.

In reference to LC 12.12, Strata inquired about the proposed groundwater detection monitoring program for the ponds given the complexity of site conditions (e.g., the dewatering system). Staff acknowledged that specific details of a program should be discussed at another meeting with the agenda specifically tailored on this topic. However, staff did note that the groundwater monitoring plan should incorporate requirements for a Resource Conservation Recovery Act regulated unit as Strata will need an approval from the Environmental Protection Agency to construct the ponds under 40 CFR Part 61, and that the setting with potentially shallow groundwater differs from most in situ recovery facility settings in Wyoming. As a follow-up, Strata questioned if the monitoring program as listed in LC 12.11(C) as the effluent and environmental program was to be part of the operational environmental program required by Regulatory Guide 4.14 (LC 11.1(D)). Staff clarified that the wording in LC 12.11(C) was misleading and it was not intended to be part of the operational monitoring program.

Staff discussed the 90 day requirement for the submittal of the initial financial surety estimate under LC 9.5. Staff and Strata discussed that surety estimate for the State of Wyoming Permit to Mine should be sufficient especially if no NRC-related work is planned for the period that is covered. Staff acknowledged that it is working to have its review of the annual surety coincide with that of Wyoming.

Staff asked Strata about LC 9.6 and specifically pointed out that operators that scan out vehicles to an unrestricted area must have the appropriate training.

No members of the public were present at the meeting and thus there were no questions from members of the public.

#### ACTION ITEMS

Finalizing the IDG Document on Radon Surveys.

After the meeting, staff learned that the goal for finalizing the IDG document was by late Fall of 2014.

#### Attachments:

1. Meeting Announcement and Agenda
2. List of Attendees

PUBLIC MEETING ANNOUNCEMENT

Title: Discussion of Strata Ross ISR License Conditions

Date(s) and Time(s): May 15, 2014, 01:00 PM to 03:00 PM

Location: NRC Two White Flint North, 8C5c  
11545 Rockville Pike  
Rockville, MD

Category: This is a Category 1 meeting. The public is invited to observe this meeting and will have one or more opportunities to communicate with the NRC after the business portion of the meeting but before the meeting is adjourned.

Purpose: To discuss license conditions in License SUA-1601 with Strata Energy, Inc. (the licensee)

Contact: John Saxton Sarah Achten  
301-415-0697 301-415-6009  
[john.saxton@nrc.gov](mailto:john.saxton@nrc.gov) [sarah.achten@nrc.gov](mailto:sarah.achten@nrc.gov)

Participants: NRC External  
Office of Federal and State Materials and Environmental Management Programs  
Strata Energy, Inc.

Docket No: 04009091

Comments: Interested members of the public can participate this meeting via teleconference. For additional details, please call the NRC meeting contact(s) listed on the NRC Meeting Schedule or call the NRC's toll-free number, 1-800-368-5642, and ask the operator to be connected to one of the meeting contacts.

## PUBLIC MEETING AGENDA

### Discussion of Strata Ross ISR License Conditions

May 15, 2014, 01:00 PM to 3:00 PM  
NRC Two White Flint North, 8C5c  
11545 Rockville Pike  
Rockville, MD

- 1:00 pm – 1:05 pm: Introductions, Opening Remarks, and Statement of Purpose  
1:05 pm – 2:30 pm: Discuss license conditions in License SUA-1601 with Strata Energy, Inc.  
(the licensee)  
2:30 pm – 3:00 pm: Public Comment/Questions  
3:00 pm : 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: ML14119A288

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Link to meeting details: <http://meetings.nrc.gov/pmns/mtg?do=details&Code=20140791>

Commission's Policy Statement on "Enhancing Public Participation in NRC Meetings"  
67 Federal Register 36920, May 28, 2002  
The policy statement may be found on the NRC  
website <http://www.nrc.gov/reading-rm/doc-collections/commission/policy/67fr36920.html>



**MEETING ATTENDEES**

**Date: May 15, 2014**

**Room T8C5c**

**1:00 pm to 3:00 pm**

**Topic: Discuss and clarify NRC staff's expectations and NRC and licensee's mutual understanding of requirements to meet the preoperational license conditions (Section 12) of the license SUA-1601**

NAME	AFFILIATION
John Saxton	NRC
Bill von Till	NRC
Amy Snyder	NRC
Doug Mandeville	NRC
Jim Webb	NRC
Robert Evans*	NRC
Ray Kellar*	NRC
Ralph Knode*	Strata
Mike Griffin*	Strata
Ben Schiffer*	Strata

**\*Participated via Teleconference**