

January 13, 2009

MEMORANDUM TO: William Von Till, Chief
Uranium Recovery Licensing Branch
Decommissioning and Uranium Recovery
Licensing Directive/DWMEP/FSME

FROM: Douglas Mandeville, Geotechnical Engineer
Uranium Recovery Licensing Branch
Decommissioning and Uranium Recovery
Licensing Directive/DWMEP/FSME

SUBJECT: REPORT OF MEETING WITH INDUSTRY
REPRESENTATIVES ON DECEMBER 16, 2008

Enclosed with this memorandum is the report of the meeting between representatives of the uranium recovery industry and the U. S. Nuclear Regulatory Commission. If you have any questions, please contact me.

Enclosure: Meeting Report

cc: Meeting Attendees

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DATE	01/05/2009	01/07/2009	01/7/2009	01/8/2009	01/13/2009

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MEETING REPORT

DATE: December 16, 2008

TIME: 8:00 a.m. – 2:45 p.m.

PLACE: Hilton Garden Inn Hotel
1400 Welton Street
Denver, Colorado 80202

PURPOSE: Meeting with representatives of uranium recovery industry and members of the public to present and discuss the process for issuing licenses and amendments for a variety of in situ recovery (ISR) application scenarios, and to discuss additional generic issues of interest to the ISR industry.

ATTENDEES: SEE ATTACHED ATTENDEE LIST

BACKGROUND:

The purpose of this meeting was to discuss the proposed process for issuing licenses and amendments for different ISR application scenarios. Additionally, generic issues of interest to the ISR industry were discussed. The meeting was publicly noticed on the U.S. Nuclear Regulatory Commission (NRC) webpage on November 18, 2008 (see Agency Wide Document and Management System Accession Number ML083180560).

DISCUSSION:

The meeting started at 8:00 a.m. Mountain time at the Hilton Garden Inn. An opening statement was presented by Mr. Bill Von Till, Branch Chief of the Uranium Recovery Licensing Branch, NRC. The meeting continued with presentations by Mr. Daniel Gillen, and Mr. Von Till. The presentations are attached as part of this meeting summary. Additional NRC staff in attendance included Ms. Linda Gersey from Region IV and Mr. Doug Mandeville. Mr. Von Till emphasized that this workshop was for the NRC to listen and hear concerns and comments from industry and the public.

The presentations focused on four main issues: (1) a proposed process for determining whether a proposed action requires a license amendment or a new license; (2) coordination between the NRC and the Bureau of Land Management (BLM) for ISR facilities; (3) use of performance based licensing for new ISR facilities; and (4) compliance with the requirements of 10 CFR 40.65 and 10 CFR 20.1302. A summary of information and comments on each issue is provided below. NRC staff also presented the latest information on license applications, guidance updates, and a revision to the MILDOS code.

1. License amendment versus new license

- The NRC staff has drafted a process to identify when an application can be addressed through an amendment of an existing license or when issuance of a new license is needed. Particular focus was on the satellite facility scenario.

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- For satellites, the process is based on the concept of a “strong connection” – this can be either an operational connection or a hydrogeologic connection. Meeting either of these conditions would allow the action to be completed by amending the existing license.
- Industry was supportive of this idea and the position in general.
- NRC intends to formalize the process in more detail in an upcoming Regulatory Issue Summary (RIS).
- Any potential fee structure modifications resulting from this position will be addressed in the draft fee rule to be issued for comment in February 2009.
- The group also discussed how best to organize Radiation Safety Officer (RSO) and Radiation Safety Technician (RST) duties for licenses with multiple satellite facilities. The industry consensus was that the RSO and RST duties at satellite facilities should be structured in a manner that is commensurate with the risks.

2. Coordination between NRC and BLM

- In an effort to address the issue of NRC-BLM duplication of environmental reviews, NRC staff has arranged several meetings at the office and headquarters level with BLM.
- NRC is also considering holding quarterly conference calls with BLM staff to address licensing actions.
- The NRC and BLM are developing a Memorandum of Understanding (MOU) related to environmental reviews at ISR facilities.
- Industry’s primary concerns are development of the MOU to eliminate duplication of reviews and effective implementation of the MOU given the multiple BLM field offices that would likely be involved.
- The NRC does not anticipate making a draft version of the MOU available for public review.
- In addition, Mr. Von Till discussed coordination efforts with the State of Wyoming and the U.S. Forest Service.

3. Performance Based Licensing for New ISR Facilities

- The ISR industry has raised a concern that NRC is eliminating its Performance Based License approach.
- Specifically, the industry considers that new wellfields can be added through the State underground injection control review and the Performance Based License process, in contrast to NRC staff’s recent requests that applicants commit to submitting all wellfield hydrologic packages to NRC staff for review and approval before extraction begins.
- NRC staff indicated that:
 - It will continue use of the Performance-Based License/Safety and Environmental Review Panel (SERP) approach.
 - However, some operational aspects due to site-specific circumstances and potential impacts beyond the original analysis may not be appropriate for the SERP process.
 - Historic use of the SERP process for hydrogeological tests for new wellfields/mine units has been site-specific.
 - The most recent ISR license (Hydro Resources, Inc.,) includes a condition requiring submittal of restoration demonstration.

- Industry indicated that the Performance Based Licensing process was developed to ease the NRC's review burden.
- Industry is concerned about the timeliness of these reviews and indicated that the Wyoming Department of Environmental Quality typically completes the reviews in 1-to-3 months.
- NRC staff will consider the industry input provided at the workshop in developing its position on the new wellfield process.

4. Compliance with 10 CFR 40.65 and 10 CFR 20.1302

- During the review of the recent applications, NRC staff has asked for additional information on the applicants meeting the requirements of 10 CFR 40.65, which relates to measurement of principle radionuclides released to unrestricted areas, and 10 CFR 20.1302, which relates to dose limits for individual members of the public.
- Industry indicated that the primary source of radiation dose to the public at ISR facilities is radon.
- Industry identified that the technology has changed significantly at ISR facilities since the process was originally developed. There currently is little chance for exposure to radon after the ion exchange step in the process.
- Industry indicated that there are many diffuse sources of radon at ISRs; measuring at the stack at a Central Processing Plant may underestimate the total exposure at a facility.
- Industry's position is that the use of environmental monitoring is a good way to obtain information related to 10 CFR 40.65 and 10 CFR 20.

5. Update to MILDOS code

- NRC has recently authorized the release of MILDOS-Area Version 3.06.
- The program calculates dose to individuals and the general population within an 80 kilometers radius
- Argonne National Laboratory (ANL) updated the code to allow for compatibility with new personal computer operating systems and to incorporate ISR technology.
- The program is available for download at <http://www.ead.anl.gov/mildos>
- As part of the update, ANL prepared a verification report. The verification report is available for download at the website referenced above.

After the presentation and discussion of the agenda issues, there was additional discussion of other issues of interest to the ISR industry. The additional areas of discussion were the timeliness of the review process and the publication of the ISR rulemaking. A summary of information and comments on these two issues is provided below.

1. Timeliness of the review process

- Industry identified delays experienced with the submission of documents to ADAMS and the 90 day acceptance review process.
- The industry consensus is that the NRC staff should start the 90 day acceptance review when the document is received, not when it is put into ADAMS.

- NRC staff indicated that applications submitted to the NRC are required to be made publicly available unless they contain sensitive, safeguards, classified, or personally identifiable information.
- Two members of the public indicated that it is important to have as much information available to the public, as early as possible during the review process.
- The NRC has recently opened a help desk to assist with electronic submission of documents. For further information see the press release dated November 10, 2008: <http://www.nrc.gov/reading-rm/doc-collections/news/2008/08-205.html>
- NRC staff will evaluate these comments with management in the headquarters office.

2. ISR Rulemaking

- Industry expressed concern over how the new ISR rulemaking could impact the applications that are currently under review.
- The NRC plans on issuing a RIS in early 2009 that addresses how the applications currently under review will be handled in advance of the ISR rule.
- NRC staff indicated that a draft version of the ISR rule is scheduled to be sent to the Commission in April 2009, and that the comment period for the draft rule will likely be in the summer of 2009.

The meeting and teleconference ended at approximately 2:45 p.m. mountain time.

ATTACHMENTS: 1. Meeting Agenda
2. Attendee List
3. NRC Presentations

MEETING AGENDA
December 16, 2008
Denver

MEETING PURPOSE: To meet with representatives of the In-Situ Leach (ISL) uranium recovery industry and National Mining Association to present and discuss an NRC draft policy regarding the process for issuing licenses and amendments for a variety of ISL application scenarios. As time permits, additional generic ISL issues of interest to the industry will be discussed.

<u>Time</u>	<u>Topic</u>	<u>Lead</u>
8:00 a.m.	Introductions	All
8:30 a.m.	Presentation on In-Situ Leach Licensing Policy	D. Gillen, NRC
9:30 a.m.	Break	
10:00 a.m.	Discussion of Policy	All
12:00 p.m.	Lunch	
1:30 p.m.	Presentation on ISL Activities and Issues	B. Von Till, NRC
2:00 p.m.	Discussion of activities and issues	All
3:00 p.m.	Break	
3:30 p.m.	Continued discussion	All
4:30 p.m.	Public input	
5:00 p.m.	Adjourn	