

StrataRossLAPem Resource

From: Ben Schiffer [bschiffer@wwcengineering.com]
Sent: Friday, December 07, 2012 4:40 PM
To: Saxton, John
Cc: Mike Griffin; James_Bashor@blm.gov
Subject: Ross ISR Project, Comments to Draft Source and Byproduct Materials License
Attachments: Ross ISR_JSaxton Cvr Ltr_DraftLicComments.pdf; Strata draft license comments 12 07 2012_FINAL.pdf

John--

Please see the attached cover letter and comments to the draft license. I see that the meeting notice for the December 20, 2012 teleconference has been posted to ADAMS. We look forward to touching base at that time. If there are any questions or concerns in the interim, don't hesitate to call. Take care.

Ben

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December 7, 2012

U.S. Nuclear Regulatory Commission
Attn: Mr. John Saxton, Hydrogeologist – Mail Stop T8F5
Division of Waste Management and Environmental Protection
Office of Federal and State Materials and Environmental Management Programs
11545 Rockville Pike, Two White Flint North
Rockville, MD 20852-2738

Sent Via Email

**RE: Strata Comments on Draft Source and Byproduct Material License, Ross
ISR Project, Crook County, Wyoming (TAC No. J00649)**

Dear Mr. Saxton:

On behalf of Strata Energy, Inc. (Strata), WWC Engineering hereby submits the enclosed comments on the draft materials license received on November 6, 2012. Strata appreciates the timely development of the draft license and believes that this is a reflection of both a quality application and hard work by you and your staff. Given the quality of the application, Strata has proposed deletion of several draft license conditions and minor changes to other draft conditions. In order to support these proposed changes, Strata has included attachments of data submitted previously to the NRC as well as data collected in anticipation of potential Requests for Additional Information (RAI), which were not issued but instead manifested as draft license conditions. From my conversations with you, we understand that the NRC is receptive to this approach and in general to decreasing the number of license conditions. Strata looks forward to meeting with you and other key staff in the coming weeks to discuss the enclosed comments and trust that sufficient time as been allowed for NRC staff review.

Strata appreciates this opportunity to comment on the draft license. If you have any questions or comments, please do not hesitate to contact me.

Respectfully Submitted,



Benjamin J. Schiffer, P.G.
Project Manager

Enclosures: Draft License Comments and Attachments 1, 2, and 3

cc: Mr. Mike Griffin, Strata Energy (*via email*)

Mr. James Bashor, BLM-NFO (*via email*)

File

Draft LC #	Draft License Condition	Strata Comments
SECTION 9: Administrative Conditions		
9.1	The authorized place of use shall be the licensee's Ross Project in Crook County, Wyoming. The licensee shall conduct operations within the license area boundaries shown in Figure 1.4-2 of the approved license application.	No comment.
9.2	The licensee shall conduct operations in accordance with the commitments, representations, and statements contained in the license application dated January 4, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML110120063), which is supplemented by submittals dated February 28, 2011 (ML110800187), March 30, 2012 (ML121030404), April 6, 2012 (ML121020343) and August 10, 2012 (ML12227A369). The approved application and supplements, hereby, are incorporated by reference, except where superseded by specific conditions in this license. The licensee must maintain the approved, updated, license application on site.	No comment.
9.2	Whenever the word "will" or "shall" is used in the above referenced documents, it shall denote a requirement. The use of "the Wellfield" in this license is synonymous with the use of mine unit as defined in the approved license application. The use of "verification" in this license means a written acknowledgement by U.S. Nuclear Regulatory Commission (NRC) staff that the specified submitted material is consistent with commitments in the approved license application, or requirements in a license condition or regulation. A verification will not require a license amendment.	No comment.
9.3	All written notices and reports sent to the NRC as required under this license and by regulation shall be addressed as follows: ATTN: Document Control Desk, Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. An additional copy shall be submitted to: Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Mail Stop T-8F5, 11545 Rockville Pike, Two White Flint North, Rockville, MD 20852-2738. Incidents and events that require telephone notification shall be made to the NRC Operations Center at (301) 816-5100 (collect calls accepted).	No comment.
9.4	Change, Test, and Experiment License Condition A) The licensee may, without obtaining a license amendment pursuant to 10 CFR 40.44, and subject to conditions specified in (B) of this	No comment.

Draft LC #	Draft License Condition	Strata Comments
9.4 (Cont.)	condition: <ul style="list-style-type: none"> <li data-bbox="401 282 1100 342">i Make changes in the facility as described in the license application (as updated); <li data-bbox="401 375 1157 435">ii Make changes in the procedures as described in the license application (as updated); and <li data-bbox="401 467 1176 527">iii Conduct test or experiments not described in the license application (as updated). 	
9.4	B) The licensee shall obtain a license amendment pursuant to 10 CFR 40.44 prior to implementing a proposed change, test, or experiment if the change, test, or experiment would: <ul style="list-style-type: none"> <li data-bbox="401 646 1167 727">i Result in more than a minimal increase in the frequency of occurrence of an accident previously evaluated in the license application (as updated); <li data-bbox="401 753 1199 867">ii Result in more than a minimal increase in the likelihood of occurrence of a malfunction of a facility structure, equipment, or monitoring system (SEMS) important to safety previously evaluated in the license application (as updated); <li data-bbox="401 893 1192 974">iii Result in more than a minimal increase in the consequences of an accident previously evaluated in the license application (as updated); <li data-bbox="401 1000 1192 1081">iv Result in more than a minimal increase in the consequences of a malfunction of an SEMS previously evaluated in the license application (as updated); <li data-bbox="401 1107 1182 1167">v Create a possibility for an accident of a different type than any previously evaluated in the license application (as updated); <li data-bbox="401 1193 1094 1274">vi Create a possibility for a malfunction of an SEMS with a different result than previously evaluated in the license application (as updated); <li data-bbox="401 1300 1188 1458">vii Result in a departure from the method of evaluation described in the license application (as updated) used in establishing the final safety evaluation report (FSER), environmental impact statement (EIS), environmental assessment (EA) or technical evaluation reports (TERs) or other analysis and evaluations for license amendments. 	No comment.

Draft LC #	Draft License Condition	Strata Comments
9.4 (Cont.)	viii For purposes of this paragraph as applied to this license, SEMS means any SEMS that has been referenced in a staff SER, TER, EA, or EIS and supplements and amendments thereof.	
9.4	C) Additionally, the licensee must obtain a license amendment unless the change, test, or experiment is consistent with NRC's previous conclusions, or the basis of, or analysis leading to, the conclusions of actions, designs, or design configurations analyzed and selected in the site or facility SER, TER, and EIS or EA. This would include all supplements and amendments, and SERs, TERs, EAs, and EISs issued with amendments to this license.	No comment.
9.4	D) The licensee's determinations concerning (B) and (C) of this condition, shall be made by a Safety and Environmental Review Panel (SERP). The SERP shall consist of a minimum of three individuals. One member of the SERP shall have expertise in management (e.g., Plant Manager) and shall be responsible for financial approval for changes; one member shall have expertise in operations and/or construction and shall have responsibility for implementing any operational changes; and one member shall be the radiation safety officer (RSO) or equivalent, with the responsibility of assuring changes conform to radiation safety and environmental requirements. Additional members may be included in the SERP, as appropriate, to address technical aspects such as groundwater or surface water hydrology, specific earth sciences, and other technical disciplines. Temporary members or permanent members, other than the three above-specified individuals, may be consultants.	No comment.
9.4	E) The licensee shall maintain records of any changes made pursuant to this condition until license termination. These records shall include written safety and environmental evaluations made by the SERP that provide the basis for determining changes are in compliance with (B) of this condition. The licensee shall furnish, in an annual report to the NRC, a description of such changes, tests, or experiments, including a summary of the safety and environmental evaluation of each. In addition, the licensee shall annually submit to the NRC page changes, which shall include both a change indicator for the area changed, e.g., a bold line vertically drawn in the margin adjacent to the portion actually changed, and a page change identification (date of change or change number or both), to the operations plan and reclamation plan of the approved license application (as updated) to reflect changes made under this	No comment.

Draft LC #	Draft License Condition	Strata Comments
9.4 (Cont.)	condition.	
9.5	<p><u>Financial Assurance</u>. The licensee shall maintain an NRC-approved financial surety arrangement, consistent with 10 CFR 40, Appendix A, Criterion 9, adequate to cover the estimated costs, if accomplished by a third party, for decommissioning and decontamination, which includes offsite disposal of radioactive solid process or evaporation pond residues, and groundwater restoration as warranted. The surety shall also include the costs associated with all soil and water sampling analyses necessary to confirm the completion of decontamination.</p>	<p>Strata requests that NRC replace ‘as warranted’ with “consistent with 10 CFR 40, Appendix-A, Criterion 5(B)(5)”.</p> <p>The revised License Condition would read as follows:</p> <p><i>Financial Assurance. The licensee shall maintain an NRC-approved financial surety arrangement, consistent with 10 CFR 40, Appendix A, Criterion 9, adequate to cover the estimated costs, if accomplished by a third party, for decommissioning and decontamination, which includes offsite disposal of radioactive solid process or evaporation pond residues, and groundwater restoration consistent with 10 CFR 40, Appendix-A, Criterion 5(B)(5). The surety shall also include the costs associated with all soil and water sampling analyses necessary to confirm the completion of decontamination.</i></p>
9.5	<p>Proposed annual updates to the financial assurance amount, consistent with 10 CFR Part 40, Appendix A, Criterion 9, shall be provided to the NRC 90 days prior to the anniversary date (e.g. renewal date of the financial assurance instrument/vehicle). The financial assurance update renewal date for the Ross Project will be determined following consultation with the licensee and the State of Wyoming. If the NRC has not approved a proposed revision 30 days prior to the expiration date of the existing financial assurance arrangement, the licensee shall extend the existing arrangement, prior to expiration, for one year. Along with each proposed revision or annual update of the financial assurance estimate, the licensee shall submit supporting documentation, showing a breakdown of the costs and the basis for the cost estimates with adjustments for inflation, maintenance of a minimum 15-percent contingency, changes in engineering plans, activities performed, and any other conditions affecting the estimated costs for site closure. Within 90 days of NRC approval of a revised closure (decommissioning) plan and its cost estimate, the licensee shall submit, for NRC staff review and approval, a proposed revision to the financial assurance arrangement if estimated costs exceed the amount covered in the existing arrangement. The revised financial assurance instrument shall then be in effect within 30 days of written NRC approval of the documents.</p>	<p>Strata requests that NRC replace ‘closure plan’ with ‘decommissioning plan’ to be consistent with the Technical Report and 10 CFR Part 40.</p> <p>The revised License Condition would read as follows:</p> <p><i>Proposed annual updates to the financial assurance amount, consistent with 10 CFR Part 40, Appendix A, Criterion 9, shall be provided to the NRC 90 days prior to the anniversary date (e.g. renewal date of the financial assurance instrument/vehicle). The financial assurance update renewal date for the Ross Project will be determined following consultation with the licensee and the State of Wyoming. If the NRC has not approved a proposed revision 30 days prior to the expiration date of the existing financial assurance arrangement, the licensee shall extend the existing arrangement, prior to expiration, for one year. Along with each proposed revision or annual update of the financial assurance estimate, the licensee shall submit supporting documentation, showing a breakdown of the costs and the basis for the cost estimates with adjustments for inflation, maintenance of a minimum 15-percent</i></p>

Draft LC #	Draft License Condition	Strata Comments
9.5 (Cont.)		<p><i>contingency, changes in engineering plans, activities performed, and any other conditions affecting the estimated costs for site closure. Within 90 days of NRC approval of a revised decommissioning plan and its cost estimate, the licensee shall submit, for NRC staff review and approval, a proposed revision to the financial assurance arrangement if estimated costs exceed the amount covered in the existing arrangement. The revised financial assurance instrument shall then be in effect within 30 days of written NRC approval of the documents.</i></p>
9.5	<p>At least 90 days prior to beginning construction associated with any planned expansion or operational change that was not included in the annual financial assurance update, the licensee shall provide, for NRC approval, an updated estimate to cover the expansion or change. The licensee shall also provide the NRC with copies of financial assurance-related correspondence submitted to the State of Wyoming, a copy of the State’s financial assurance review, and the final approved financial assurance arrangement. The licensee also must ensure that the financial assurance instrument, where authorized to be held by the State, identifies the NRC-related portion of the instrument and covers the aboveground decommissioning and decontamination, the cost of offsite disposal of solid byproduct material, soil and water sample analyses, and groundwater restoration associated with the site. The basis for the cost estimate is the NRC-approved site closure plan or the NRC-approved revisions to the plan. Reclamation or decommissioning plan cost estimates and annual updates should follow the outline in Appendix C to NUREG-1569 entitled, “Recommended Outline for Site-Specific In Situ Leach Facility Reclamation and Stabilization Cost Estimates.”</p>	<p>Strata requests that NRC use ‘decommissioning plan’ versus site closure plan to be consistent with Technical Report. The revised License Condition would read as follows:</p> <p><i>At least 90 days prior to beginning construction associated with any planned expansion or operational change that was not included in the annual financial assurance update, the licensee shall provide, for NRC approval, an updated estimate to cover the expansion or change. The licensee shall also provide the NRC with copies of financial assurance-related correspondence submitted to the State of Wyoming, a copy of the State’s financial assurance review, and the final approved financial assurance arrangement. The licensee also must ensure that the financial assurance instrument, where authorized to be held by the State, identifies the NRC-related portion of the instrument and covers the aboveground decommissioning and decontamination, the cost of offsite disposal of solid byproduct material, soil and water sample analyses, and groundwater restoration associated with the site. The basis for the cost estimate is the NRC-approved site decommissioning plan or the NRC-approved revisions to the plan. Reclamation or decommissioning plan cost estimates and annual updates should follow the outline in Appendix C to NUREG-1569 entitled “Recommended Outline for Site-Specific In Situ Leach Facility Reclamation and Stabilization Cost Estimates.”</i></p>

Draft LC #	Draft License Condition	Strata Comments
9.5	The licensee shall continuously maintain an approved surety instrument for the Ross Project, in favor of the State of Wyoming. The initial surety estimate shall be submitted for NRC review and approval within 90 days of license issuance, and the surety instrument shall be submitted for NRC staff review and approval 90 days prior to commencing operations.	No comment.
9.6	Release of surficially contaminated equipment, materials, or packages for unrestricted use shall be in accordance with the NRC guidance document "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, or Special Nuclear Material," dated April 1993 (ADAMS Accession No. ML003745526).	<p>Strata requests that NRC add the phrase "or suitable alternative procedures approved by NRC prior to any such release" at the end of this Condition.</p> <p>The revised License Condition would read as follows:</p> <p><i>Release of surficially contaminated equipment, materials, or packages for unrestricted use shall be in accordance with the NRC guidance document "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, or Special Nuclear Material," dated April 1993 (ADAMS Accession No. ML003745526) or suitable alternative procedures approved by NRC prior to any such release.</i></p>
9.6	Where surface contamination by both alpha- and beta-gamma-emitting nuclides exists, the limits established for alpha- and beta-gamma-emitting nuclides shall apply independently.	No comment.
9.6	Personnel performing these contamination surveys for items released for unrestricted use or from restricted areas shall meet the qualifications of health physics technicians or radiation safety officer as defined in Regulatory Guide 8.31 (as revised). Personal effects (e.g., notebooks and flash lights) which are hand carried need not be subjected to the qualified individual survey or evaluation, but these items should be subjected to the same survey requirements as the individual possessing the items.	No comment.
9.6	Regulatory Guide 8.30 (as revised), Table 2, shall apply when releasing equipment, materials, or packages that have the potential for accessible surface contamination levels above background to unrestricted areas regardless of the intent to release these items for unrestricted use. In addition, the licensee shall characterize any potential contamination for radionuclides not addresses by Regulatory Guide 8.30 (as revised), Table 2.	Strata requests clarification on the intent of this License Condition as it appears to reverse a common practice of allowing equipment, materials, and tools with the potential for accessible surface contamination to be utilized on site at non-connected restricted areas without requiring contamination surveys upon exit, as long as said tools or equipment remain in the control of the licensee. In addition, it misapplies the contamination limits contained in Table 2 of Regulatory Guide 8.30 (as revised), which, as noted in the title of Table 2, are specifically intended

Draft LC #	Draft License Condition	Strata Comments
9.6 (Cont.)		<p>for "Surface Contamination Levels for Uranium and Daughters on Equipment To Be Released for Unrestricted Use, on Clothing, and on Nonoperating Areas of UR Facilities" The items discussed in this LC are not intended for "unrestricted use". ISR licensees have historically moved potentially contaminated equipment, tools, etc. within the license boundaries without performing contamination surveys. Strata recognizes that licensees are responsible for implementing procedures that effectively control licensed material and will do so through a Contamination Control Program.</p> <p>Strata believes that the new requirements in this License Condition would create an undue burden on the licensee and provide little benefit in a reduction in potential radiological exposure to site personnel or the public. Strata would request that this language in LC 9.6 be deleted or modified to remove the requirement for performing contamination surveys.</p>
9.6	<p>For release to unrestricted areas, the licensee shall provide their procedures for releasing equipment, materials, or packages that have the potential for accessible surface contamination levels above background to NRC staff for review and written verification. These procedures shall demonstrate how the licensee will maintain radiological controls over the equipment, materials, or packages that have the potential for accessible surface contamination levels above background until they have been released for unrestricted use as specified above and what methods will be used to limit the spread of contamination to unrestricted areas.</p>	No comment.
9.6	<p>For releases with a final destination to one of the licensee's restricted areas, whether through an unrestricted area or not, the licensee may identify a qualified designee(s) to perform the surveys associated with releasing equipment, materials, or packages that have the potential for accessible surface contamination levels above background. The qualified designee(s) shall have completed education, training, and experience, in addition to general radiation worker training, specified by the licensee and submitted to the NRC staff for review and written verification prior to allowing the designee(s) to perform these surveys. The licensee must receive the written verification prior to a designee performing a survey.</p>	See previous comment on Paragraph 4 of this License Condition. Strata requests that this paragraph be deleted.

Draft LC #	Draft License Condition	Strata Comments
9.6	The licensee shall document their survey of equipment, materials, or packages prior to releasing them as discussed above.	No comment.
9.7	The licensee shall follow the guidance set forth in NRC Regulatory Guides 8.22, "Bioassay at Uranium Recovery Facilities" (as revised), 8.30, "Health Physics Surveys in Uranium Recovery Facilities" (as revised) and 8.31, "Information Relevant to Ensuring that Occupational Radiation Exposure at Uranium Recovery Facilities will be As Low As Is Reasonably Achievable (ALARA)," (as revised) or NRC-approved equivalent with the following exception:	No comment.
9.7	The licensee may identify a qualified designee(s) during decommissioning activities to perform daily inspections and personnel/material release surveys in the occasional absence of the RSO and radiation safety technician(s) (RST). The qualified designee(s) will have health physics training, and the licensee will specify the training program and submit it to the NRC staff for review and written verification. The qualified designee(s) may perform daily inspections and limited surveys during decommissioning activities on weekends, holidays, and times when both the RSO and RST(s) must both be absent (e.g., illness or offsite training). A designee(s) shall not perform daily inspections for more than two consecutive days except in the event of a Federal or company holiday, whereby the designee will not exceed more than three consecutive days in the absence of the RSO or RST. Reports will be reviewed by the RSO or RST as soon as practical, but no later than 3 hours from the beginning of the next work day following an absence, week-end, or holiday. The licensee will also have the RSO or RST available by telephone while the qualified designee(s) is performing the daily inspections.	No comment.
9.7	Notwithstanding the License Condition (LC) 9.4 change process, no additional exceptions to the guidance will be implemented without written NRC verification that the criteria in LC 9.4 do not require a license amendment.	No comment.
9.8	<u>Cultural Resources</u> . Before engaging in any developmental activity not previously assessed by the NRC, the licensee shall administer a cultural resource inventory if such survey has not been previously conducted and submitted to the NRC. All disturbances associated with the proposed development will be completed in compliance with the National Historic Preservation Act (as amended) and its implementing regulations (36 CFR 800), and the Archaeological Resources Protection Act (as amended) and its implementing regulations (43 CFR 7).	No comment.
9.8	In order to ensure that no unapproved disturbance of cultural resources occurs, any work resulting in the discovery of previously unknown	Strata requests that this License Condition be revised to indicate that the Wyoming State Historic Preservation

Draft LC #	Draft License Condition	Strata Comments
9.8 (Cont.)	cultural artifacts shall cease. The artifacts shall be inventoried and evaluated in accordance with 36 CFR Part 800, and no disturbance of the area shall occur until the licensee has received authorization from the NRC to proceed.	<p>Officer and/or Bureau of Land Management may also have a role in approving the continuation of work when previously unknown cultural resources are discovered.</p> <p>The proposed revision is similar to conditions contained in SUA-1597 and SUA-1598:</p> <p><i>In order to ensure that no unapproved disturbance of cultural resources occurs, any work resulting in the discovery of previously unknown cultural artifacts shall cease. The artifacts shall be inventoried and evaluated in accordance with 36 CFR Part 800, and no disturbance of the area shall occur until the licensee has received authorization from the NRC, the Wyoming State Historic Preservation Officer, or the Bureau of Land Management to proceed.</i></p>
9.8	The licensee shall comply with the stipulations for cultural resource protection in the Memorandum of Agreement dated October 4, 2010, provided in the NRC letter to the Advisory Council on Historic Preservation dated January 13, 2011.	This appears to be a relic from SUA-1598 and is not appropriate for the Ross License. This Condition should be deleted,
9.9	The licensee shall dispose of solid byproduct material from the Ross Project at a site that is authorized by NRC or an NRC-Agreement State to receive such byproduct material. The licensee's approved solid byproduct material disposal agreement shall be maintained on site during any time the facility is in operation. In the event that the agreement expires or is terminated, the licensee shall notify the NRC within seven working days after the date of expiration or termination. A new agreement shall be submitted for NRC review within 90 days after expiration or termination, or the licensee will be prohibited from lixiviant injection.	<p>Strata requests that NRC add '11e.(2)' before byproduct material.</p> <p>Strata requests that NRC add the word "further" in the final sentence since lixiviant injection will have occurred previously.</p> <p>The revised License Condition would read as follows:</p> <p><i>The licensee shall dispose of solid 11e.(2) byproduct material from the Ross Project at a site that is authorized by NRC or an NRC-Agreement State to receive such byproduct material. The licensee's approved solid byproduct material disposal agreement shall be maintained on site during any time the facility is in operation. In the event that the agreement expires or is terminated, the licensee shall notify the NRC within seven working days after the date of expiration or termination. A new agreement shall be submitted for NRC review within 90 days after expiration or termination, or the licensee will be prohibited from further lixiviant injection.</i></p>

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9.10	The results of the following activities, operations, or actions shall be documented: sampling; analyses; surveys or monitoring; survey/ monitoring equipment calibrations; audits and inspections; all meetings and training courses; and any subsequent reviews, investigations, or corrective actions required by NRC regulation or this license. Unless otherwise specified in a license condition or applicable NRC regulation, all documentation required by this license shall be maintained until license termination, and is subject to NRC review and inspection.	No comment.
9.11	The licensee is hereby exempted from the requirements of 10 CFR 20.1902(e) for areas within the facility, provided that all entrances to the facility are conspicuously posted with the words, "CAUTION: ANY AREA WITHIN THIS FACILITY MAY CONTAIN RADIOACTIVE MATERIAL."	No comment.
SECTION 10: Operations, Controls, Limits, and Restrictions		
<i>Standard Conditions</i>		
10.1	The licensee shall use a lixiviant composed of native groundwater, carbon dioxide, sodium carbonate or sodium bicarbonate, and hydrogen peroxide and/or oxygen, as specified in Section 3.1.3.1 of the licensee's approved license application.	The list of potential lixiviant components could potentially be misconstrued as consisting of native groundwater, carbon dioxide, (sodium carbonate or sodium bicarbonate), and (oxygen and/or hydrogen peroxide). Strata requests that this License Condition be revised as follows: <i>The licensee shall use a lixiviant composed of native groundwater; carbon dioxide, sodium carbonate and/or sodium bicarbonate; and hydrogen peroxide and/or oxygen as specified in Section 3.1.3.1 of the licensee's approved license application.</i>
10.2	<u>Facility Throughput</u> . The Ross Project processing facility throughput shall not exceed a maximum instantaneous flow rate of 7,500 gallons per minute, excluding restoration flow. The annual production of dried yellowcake shall not exceed 3 million pounds.	No comment.
10.3	At least 12 months prior to initiation of any planned final site decommissioning, the licensee shall submit a detailed decommissioning plan for NRC staff review and approval. The plan shall represent as-built conditions at the Ross Project.	No comment.
10.4	The licensee shall develop and implement written standard operating procedures (SOPs) prior to operation for:	
10.4	A) All operational activities involving radioactive and non-radioactive materials associated with licensed activities that are handled, processed, stored, or transported by employees;	Strata requests that NRC add the word 'routine' after 'all' since SOPs may not be prepared for non-routine activities that would be covered by Radiation Work Permits

Draft LC #	Draft License Condition	Strata Comments
10.4 (Cont)		<p>(RWPs).</p> <p>The revised license condition would read as follows:</p> <p><i>A) All routine operational activities involving radioactive and non-radioactive materials associated with licensed activities that are handled, processed, stored, or transported by employees;</i></p>
10.4	B) All non-operational activities involving radioactive materials including in-plant radiation protection and environmental monitoring; and	<p>Strata requests that NRC add the word 'routine' after 'all' since SOPs may not be prepared for non-routine activities that would be covered by Radiation Work Permits (RWPs).</p> <p>The revised license condition would read as follows:</p> <p><i>B) All routine non-operational activities involving radioactive materials including in plant radiation protection and environmental monitoring; and</i></p>
10.4	C) Emergency procedures for potential accident/unusual occurrences including significant equipment or facility damage, pipe breaks and spills, loss or theft of yellowcake or sealed sources, significant fires, and other natural disasters.	No comment.
10.4	The SOPs shall include appropriate radiation safety practices to be followed in accordance with 10 CFR Part 20. SOPs for operational activities shall enumerate pertinent radiation safety practices to be followed. A copy of the current written procedures shall be kept in the area(s) of the production facility where they are utilized.	No comment.
10.5	<u>Mechanical Integrity Tests.</u> The licensee shall construct all wells in accordance with methods described in Section 3.1.2 of the approved license application. Mechanical integrity tests shall be performed on all wells (injection, extraction, and monitoring wells) before the well is utilized and on wells that have been serviced with equipment or procedures that could damage the well casing. Each well shall be retested at least once every five (5) years it is in use. Integrity tests shall be performed in accordance with Section 3.1.2.3 of the licensee's approved license application. Any failed well casing that cannot be repaired to pass the integrity test shall be appropriately plugged and abandoned in accordance with Addendum 2.6-E of the approved license application.	No comment.

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10.6	<p><u>Groundwater Restoration.</u> The licensee shall conduct groundwater restoration activities in accordance with Section 6.1 of the approved license application. Permanent cessation of lixiviant injection in the Wellfield, or a designated portion of the Wellfield (e.g., wellfield module), would signify the licensee’s intent to shift from principal activity of uranium production to the initiation of groundwater restoration. Prior to initiation of groundwater restoration activities, the licensee shall determine the restoration schedule. If the licensee determines that these activities are inconsistent with the schedule as presented in Section 6.1.5 of the approved license application or subsequently approved schedule, then the licensee shall submit a revised schedule to NRC that meets the requirements of 10 CFR 40.42. Changes to groundwater restoration or post-restoration monitoring plans shall be submitted to the NRC staff for review and approval at least 60 days prior to groundwater restoration in a wellfield.</p>	<p>No comment.</p>
10.6	<p>Hazardous constituents in the groundwater shall be restored to the numerical groundwater protection standards as required by 10 CFR 40, Appendix A, Criterion 5(B)(5). In submitting a license amendment application to request a proposed alternate concentration limit (ACL) pursuant to Criterion 5(B)(6), the licensee must demonstrate that a reasonable effort has been made to restore the specified hazardous constituents to background or maximum contaminant levels (whichever is greater).</p>	<p>No comment.</p>
10.7	<p>The licensee shall maintain an inward hydraulic gradient at a wellfield starting when lixiviant is first injected into the production zone and continuing until initiation of the stabilization period.</p>	<p>The analyses included in the approved license application (specifically the groundwater model presented in Addendum 2.7-H of the Technical Report) was developed on the assumption that an inward hydraulic gradient will be maintained within the perimeter monitor well ring. Simulations carried out in the groundwater model optimize wellfield bleed rates and perform excursion recovery scenarios based upon this assumption. Therefore Strata requests that NRC replace the phrase “at a wellfield” to “within the perimeter monitor well ring”. This change will require some minor revisions to the Technical Report.</p> <p>Strata notes that this License Condition could be interpreted that any excursion would also be considered a license violation since an excursion indicates a failure to maintain a balanced inward hydraulic gradient.</p>

Draft LC #	Draft License Condition	Strata Comments
10.7 (Cont.)		<p>The revised license condition would read as follows:</p> <p><i>The licensee shall maintain an inward hydraulic gradient within the perimeter monitor well ring starting when the lixiviant is first injected into the production zone and continuing until initiation of the stabilization period.</i></p>
10.8	<p>The licensee is permitted to construct and operate lined retention pond(s) as described in Section 4.2.2 and Addendum 3.1-A of the approved license application subject to requirements of LC 10.11. The ponds will be used for retention of liquid byproduct material prior to disposal in a deep disposal well as described in Section 4.2.3 of the approved license application. Routine pond inspections will be conducted in accordance with procedures defined in Section 5.3.2 of the approved license application. The inspections include:</p>	<p>No comment.</p>
10.8	<p>A) <u>Daily Inspection.</u> The licensee will perform daily inspections in accordance with Section 5.3.2.1 of the approved license application. The inspections will include visual inspections of the piping, berms, diversion ditches, freeboard and leak detection systems. The minimum freeboard is 3 feet. If during the daily inspections a fluid height in any of the standpipes for the pond leak detection system is found to be in any excess of six (6) vertical inches, then the licensee will collect a sample of the fluid for analysis of specific conductance. If the specific conductance of the fluid in the leak detection system is in excess of 50 percent of the specific conductance of fluids in the pond, then it is concluded that a leak has occurred in the pond primary liner and the licensee will perform mitigative and corrective actions. The corrective actions include notifying the NRC Project Manager by telephone or email within 48 hours and lowering the water level in the pond sufficiently to eliminate the leak. If corrective actions are not completed within 60 days, the pond will not be used to store any byproduct material until the liner is inspected by qualified personnel as discussed in subsection D. The licensee will submit a report to NRC upon completion of the corrective actions including documentation of all pond repairs. Routine daily inspections reports will be maintained on-site for NRC staff to review during routine inspections.</p>	<p>Strata requests that the second ‘any’ be deleted from the fourth sentence for clarity.</p> <p>The revised License Condition would read as follows:</p> <p><i><u>Daily Inspection.</u> The licensee will perform daily inspections in accordance with Section 5.3.2.1 of the approved license application. The inspections will include visual inspections of the piping, berms, diversion ditches, freeboard and leak detection systems. The minimum freeboard is 3 feet. If during the daily inspections a fluid height in any of the standpipes for the pond leak detection system is found to be in excess of six (6) vertical inches, then the licensee will collect a sample of the fluid for analysis of specific conductance. If the specific conductance of the fluid in the leak detection system is in excess of 50 percent of the specific conductance of fluids in the pond, then it is concluded that a leak has occurred in the pond primary liner and the licensee will perform mitigative and corrective actions. The corrective actions include notifying the NRC Project Manager by telephone or email within 48 hours and lowering the water level in the pond sufficiently to eliminate the leak. If corrective actions are not completed within 60 days, the pond will not be used to store any byproduct material until the liner is inspected by qualified personnel as discussed in</i></p>

Draft LC #	Draft License Condition	Strata Comments
10.8 (Cont.)		<i>subsection D. The licensee will submit a report to NRC upon completion of the corrective actions including documentation of all pond repairs. Routine daily inspections reports will be maintained on-site for NRC staff to review during routine inspections.</i>
10.8	B) <u>Weekly Inspection.</u> The licensee will conduct weekly inspections in accordance with Section 5.3.1.2 of the approved license application. The inspections will include visual inspection of the entire area including perimeter fencing. The inspection report will be reviewed by the RSO, Manager of EHS and Regulatory Affairs and Operations Manager. The weekly inspection reports will be maintained on-site for NRC staff to review during inspections.	No comment.
10.8	C) <u>Monthly Inspection.</u> The licensee will conduct inspections monthly in accordance with Section 5.3.2.2 of the approved license application or following a major storm event (precipitation greater than 1-inch of water during a 24-hour period) of the condition of structures associated with the diversion of the stream around the CPP area in accordance with Section 5.3.4 of the approved license application. The reports will be maintained on-site for NRC staff to review during inspections.	No comment.
10.8	D) <u>Quarterly Inspection.</u> The licensee will conduct quarterly inspections in accordance with Section 5.3.2.3 of the approved license application. Results of the quarterly inspections will be included in the semi-annual report submitted to NRC as required by LC 11.2. If groundwater quality in the monitoring wells indicates a release of fluids from the pond, then the licensee will immediately perform corrective actions to eliminate the leak and any appropriate remedial actions including characterization of impacts to shallow soils and water in the uppermost aquifer. Results of the quarterly inspections will be submitted to NRC for review.	No comment.
10.8	E) <u>Annual Technical Inspection.</u> The licensee will conduct annual inspections in accordance with Section 5.3.2.4 of the approved license application. The annual inspection will include a review of the previous year's daily, weekly, and quarterly inspections, assessment of the hydraulic and hydrologic capacities, and a survey of the embankment by qualified personnel. A copy of the report will be submitted to NRC for review.	No comment.
10.9	The licensee shall establish and conduct an effluent and environmental monitoring program in accordance with programs described in Section 5.7.8.2 (Operational Monitoring-Surface Water and Operational Monitoring-Private Wells) and Section 5.7.7.1 (radon, air particulate,	No comment.

Draft LC #	Draft License Condition	Strata Comments
10.9 (Cont.)	direct radiation, and soil) of the approved license application. The licensee will conduct a monitoring program in accordance with Section 5.7.8.2 (Operational Monitoring-CPP Area) unless those elements are included in the groundwater detection monitoring program required by LC 10.20.	
<i>Facility Specific Conditions</i>		
10.10	The licensee shall submit to NRC staff for review and approval plans for equipment and procedures prior to the use, storage, handling and transport of biological or chemical materials for reductant injections during restoration.	No comment.
10.11	The licensee is prohibited from using Pond 2 for the retention of byproduct material until NRC review and approval that the efficiency of the CPP dewatering system is consistent with its design as described in TR Addendum 3.1-A of the approved license application.	<p>Strata requests that NRC revise the License Condition to indicate review and verification since LC 9.2 describes how verification is used to demonstrate consistency with commitments in the approved license application.</p> <p>The revised License Condition would read as follows:</p> <p><i>The licensee is prohibited from using Pond 2 for the retention of byproduct material until NRC review and verification that the efficiency of the CPP dewatering system is consistent with its design as described in TR Addendum 3.1-A of the approved license application.</i></p>
10.12	Prior to conducting tests for a wellfield data package, the licensee will attempt to locate and abandon all historic drill holes located within 0.25 miles of the perimeter well ring for the Wellfield. The licensee will document such efforts to identify and properly abandon all drill holes in the wellfield data package.	<p>Strata requests changing this requirement to apply to historic drill holes within the perimeter well ring, which is consistent with the Technical Report p. 3-20. Note that through this wording NRC is proposing that Strata conduct surface disturbing activities potentially outside of the licensed area boundary. Moreover, the 0.25 mile requirement is not consistent with previous licenses.</p> <p>The revised License Condition would read as follows:</p> <p><i>Prior to conducting tests for a wellfield data package, the licensee will attempt to locate and abandon all historic drill holes located within the perimeter well ring for the Wellfield. The licensee will document such efforts to identify and properly abandon all drill holes in the wellfield data package.</i></p>
10.13	<u>Wellfield Package.</u> Prior to conducting principal activities in a new wellfield, the licensee shall submit a hydrologic test data package to the	Strata requests that License Condition 10.13 be deleted for the following reasons:

Draft LC #	Draft License Condition	Strata Comments
<p>10.13 (Cont.)</p>	<p>NRC staff for review and verification. A hydrologic test package shall be submitted at least 60 days prior to the planned start date of lixiviant injection. In each wellfield data package, the licensee will document that: (1) all perimeter monitoring wells are screened in the appropriate horizon in order to provide timely detection of an excursion; and (2), the baseline values to establish groundwater protection standards and UCLs for the Wellfield in accordance with LC 11.3. The wellfield package will adequately define heterogeneities that may affect the chemical signature and groundwater flow paths within the ore zone as described in Sections 2.7.3.2.3, 3.1.1 and 5.7.8.1 of the approved license application.</p>	<ol style="list-style-type: none"> 1. A requirement for submittal of hydrologic test data packages to NRC negates the benefits of performance-based license conditions. The original purpose of these license conditions for uranium recovery facilities, including ISR facilities, was to streamline the licensing process where routine operations or changes in operations would have no increased potential adverse impacts on health and safety or the environment. Before the first performance-based licenses were issued to ISR facilities in 1995, NRC reviewed and approved each wellfield package. These reviews routinely took over six months for NRC staff to complete. Due to the phased nature of ISR mining, this delay between the collection of the hydrologic data required for a wellfield and the final approval by NRC staff resulted in significant operational impacts at most ISR facilities. In 1993 in response to plans by NRC to close the Uranium Recovery Field Office (URFO) in Golden, Colorado, Performance Based License Conditions (PBLC) were identified as an approach whereby an operator would not need NRC review and approval of changes provided that guidance qualifications were met and that the proposed action was within the bounds of the environmental and technical review incorporated in the license. Beginning in 1995 NRC has issued performance-based license conditions that allow the licensee to develop and open new wellfields within the licensed area without seeking NRC approval for each new field unless there are some site-specific anomalous conditions identified. 2. NRC will have the opportunity to review wellfield hydrologic testing packages because under a performance-based license, this information will be contained in the proceedings of the Strata Safety and Environmental Review Panel (SERP). The approval of a new wellfield is considered a change under draft License Condition 9.4 and

Draft LC #	Draft License Condition	Strata Comments
10.13 (Cont.)		<p>must be approved by the Strata SERP. The SERP must evaluate the proposed change in comparison with NRC regulations, license conditions, evaluations made by NRC in the environmental impact statement/environmental assessment, and commitments made by Strata in the license application and incorporated by reference in draft License Condition 9.2. SERP proceedings must be maintained on site for inspection by NRC. In addition, an annual report to NRC summarizing SERP deliberations “including a summary of the safety and environmental evaluation” is required by draft License Condition 9.4(E).</p> <ol style="list-style-type: none"> 3. The wellfield hydrologic test packages are required by, and approved by, the Wyoming Department of Environmental Quality (WDEQ). The WDEQ rules specify the content of the wellfield packages that must be submitted for approval for each new wellfield. The WDEQ has developed a detailed, mature regulatory program based on decades of experience with ISR mining in the State that includes the review of these data packages. Typically the WDEQ commits in the Permit to Mine to complete these reviews within 30 days of submission, which allows an ISR operator the ability to schedule phased development of the mine without undue delays. 4. Strata acknowledges that the Technical Report will require minor edits to accommodate SERP documentation of wellfield packages. 5. Should the NRC believe that this license condition is necessary, Strata requests that the condition clarify ‘principal activities’ as it has been used in Strata’s License.
10.14	<p><u>Wellfield Inspection.</u> Injection manifold pressures and flow rates shall be measured and recorded daily by the in-line computer system and/or Wellfield Operator. During wellfield operations, injection pressures shall not exceed the maximum operating pressure as specified in Section 3.1.4 of the approved license application. To the extent possible, the</p>	<p>Strata requests that NRC delete the word “daily”. Technical Report Section 5.3.3 details the proposed inspection program and states that the inspections will be performed on a weekly basis.</p>

Draft LC #	Draft License Condition	Strata Comments
10.14 (Cont.)	daily inspections shall include visual inspections and document leaks or other abnormalities in the wellfield piping, wellheads, or module buildings in accordance with Section 5.3.3 of the approved license application. The licensee shall conduct the weekly in-plant inspection and audit programs described in Section 5.3.1 of the approved license application. In addition, as described in Section 5.7 of the approved license application and supplements, the RSO shall document that radiation control practices are being implemented appropriately.	<p>The revised License Condition would read as follows:</p> <p><i><u>Wellfield Inspection.</u> Injection manifold pressures and flow rates shall be measured and recorded daily by the in-line computer system and/or Wellfield Operator. During wellfield operations, injection pressures shall not exceed the maximum operating pressure as specified in Section 3.1.4 of the approved license application. To the extent possible, the inspections shall include visual inspections and document leaks or other abnormalities in the wellfield piping, wellheads, or module buildings in accordance with Section 5.3.3 of the approved license application. The licensee shall conduct the weekly in-plant inspection and audit programs described in Section 5.3.1 of the approved license application. In addition, as described in Section 5.7 of the approved license application and supplements, the RSO shall document that radiation control practices are being implemented appropriately. Prior to conducting tests for a wellfield data package, the licensee will attempt to locate and abandon all historic drill holes located.</i></p> <p>Strata also notes that this License Condition is entitled "Wellfield Inspections" but the final 2 sentences discuss in-plant inspections. Strata suggests that the License Condition be retitled "Inspections" or a separate License Condition be added for in-plant inspections.</p>
10.15	The licensee will use calibrated radiation instruments that can measure the full range of radiation exposure rates or dose rates for radiological parameters that are reasonably expected at an ISR facility to ensure the magnitude and extent of radiation levels are measured in accordance with 10 CFR 20.1501(a)(2)(i). The instruments used to measure airborne concentrations of radioactive materials will allow for a lower limit of detection (LLD), as described in Regulatory Guide 8.30 (as revised), to provide a 95 percent confidence that measurements are in conformance with 10 CFR 20.1201, 20.1204, 20.1301, 20.1501, and 20.1502.	No Comment.
10.16	The licensee shall conduct radiological characterization of airborne samples for natural U, Th-230, Ra-226, Po-210, and Pb-210 for each restricted area air particulate sampling location at a frequency of once every 6 months for the first two years, and annually thereafter to ensure	No Comment.

Draft LC #	Draft License Condition	Strata Comments
10.16 (Cont.)	compliance with 10 CFR 20.1204(g). The licensee shall also evaluate changes to plant operations to determine if more frequent radionuclide analyses are required for compliance with 10 CFR 20.1204(g).	
10.17	Any area with exposure rates that exceed 2 millirem in any one hour must be immediately treated as a restricted area in accordance with 10 CFR 20.1301(a)(2).	<p>Strata requests that NRC add “either a controlled area or” after the word “as”; this is consistent with SUA-1597 and SUA-1598 and recognizes that NRC regulations allow public access to areas with this exposure rate to be controlled as either a controlled or restricted area. 10 CFR 20.1301(a)(2) states, in part, that each licensee shall conduct operations so that the dose in any unrestricted area from external sources does not exceed 0.002 rem (0.02 millisievert) in any one hour: The definition of unrestricted area from 10 CFR 20.1003 is “an area, access to which is neither limited nor controlled by the licensee” From 10 CFR 20.1003, “Controlled area means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason”. Based on these definitions, a licensee should have the option of controlling public access to these areas as controlled or restricted areas.</p> <p>The revised License Condition would read as follows:</p> <p><i>Any area with exposure rates that exceed 2 millirem in any one hour must be immediately treated as either a controlled area or a restricted area in accordance with 10 CFR 20.1301(a)(2).</i></p>
10.18	The licensee shall ensure radiation safety training is consistent with Regulatory Guides 8.13, "Instruction Concerning Prenatal Radiation Exposure," (as revised) and 8.29, "Instruction Concerning Risks from Occupational Radiation Exposure," (as revised) in addition to the requirements in Section 2.5 of Regulatory Guide 8.31 (as revised), or NRC approved equivalent.	<p>Strata requests deletion of “the requirements” as RG 8.31 is a guidance document.</p> <p>Section 5.5 of the Technical Report clearly states that training will be provided in accordance with Regulatory Guides 8.31, 8.29, and 8.13. However, Section 5.5 does not simply mimic the relevant Regulatory Guides but includes additional details of the Strata radiation safety training program. NRC should specifically approve the proposed training outlined in Section 5.5 in this License Condition.</p> <p>The revised License Condition would read as follows:</p>

Draft LC #	Draft License Condition	Strata Comments
10.18 (Cont.)		<p><i>The licensee shall ensure radiation safety training is consistent with Regulatory Guides 8.13, "Instruction Concerning Prenatal Radiation Exposure," (as revised) and 8.29, "Instruction Concerning Risks from Occupational Radiation Exposure," (as revised) in addition to Section 2.5 of Regulatory Guide 8.31 (as revised), as described in Section 5.5 of the approved Technical Report.</i></p>
10.19	<p>The licensee shall confine its operations to wellfields located within the area delineated as "Mine Unit 1" on Figure 3.1-1 of the approved license until operations at the three industrial wells, designated as "19XX18", "22x-19" and "789V" in the approved license application, have ceased. For wellfields outside of that designated area, the licensee must demonstrate in the wellfield package that the proposed operations are outside of the area of influence of the industrial wells. The location of a wellfield or a portion of a wellfield shall not include any of the industrial wells if the well has not been properly abandoned. If operations are being conducted at a wellfield on the Ross Project and operations of the onsite industrial water supply wells have not been discontinued, the effluent monitoring program will include monthly sampling of water pumped from the industrial wells.</p>	<p>Strata requests that NRC revise the License Condition to more closely reflect the analysis conducted in support of the approved license application, specifically, Technical Report Addendum 2.7-H Groundwater Model. The modeling done by Strata and reviewed by both the NRC and WDEQ/LQD indicates that "The abstraction caused by Merit's wells decreases substantially at distances more than 0.25 miles from the wells. As such, it may be possible for the Merit wells to continue operating during active ISR in the northernmost and southernmost proposed wellfields." (Addendum 2.7-H Section 4.93 pages 85 and 86). Moreover, economic and operational considerations may result in a different mine unit configuration than that proposed in the approved license application and hence could result in confusion on behalf of regulators and the public. Using a 0.25 mile offset from the three Merit water supply wells eliminates the potential for this confusion and provides a more tangible boundary for operations. Further, Strata would request that 'operations' be replaced with 'pumping' to clarify the language in the License Condition.</p> <p>The revised License Condition would read as follows:</p> <p><i>The licensee shall confine its operations to wellfields located beyond 0.25 mile of the three industrial wells, designated as "19XX18", "22x-19" and "789V until pumping from these wells has ceased. For wellfields outside of that designated area, the licensee must demonstrate in the wellfield package that the proposed operations are outside of the area of influence of the industrial wells. The location of a wellfield or a portion of</i></p>

Draft LC #	Draft License Condition	Strata Comments
10.19 (Cont.)		<p><i>a wellfield shall not include any of the industrial wells if the well has not been properly abandoned. If operations are being conducted at a wellfield on the Ross Project and pumping of the onsite industrial water supply wells has not been discontinued, the effluent monitoring program will include monthly sampling of water pumped from the industrial wells.</i></p>
10.20	<p>The licensee shall conduct a groundwater detection monitoring program for the retention ponds that meets requirements of Criteria 5 and 7A of 10 CFR Part 40, Appendix A. The elements in this program are documented in the licensee’s SOPs.</p>	<p>Strata asserts that a groundwater detection monitoring program has been established within the license application which complies with the requirements of 10 CFR Part 40, Appendix A, Criteria 5 and 7A and that this License Condition should be deleted.</p> <p>Section 5.7.8.2 of the Technical Report outlines Strata’s proposed plan for monitoring the surficial aquifer in the CPP area during operation. This Section states that monitor wells and piezometers as shown on Figure 5.7-13 will be used to monitor water levels within the CPP, and will also be sampled for groundwater quality to indicate contamination from potential spills or pond leaks. Groundwater levels within the CPP will be monitored continuously with dedicated pressure transducers. In addition, collector wells/sumps associated with dewatering infrastructure will also be monitored. Groundwater quality will be measured by at least three down-gradient monitor wells and one up-gradient monitor wells as stated in Section 5.7.8.2. Groundwater quality constituents which will be monitored are listed in Technical Report Table 5.7-2.</p> <p>In addition to the groundwater monitoring program discussed above, the retention ponds will also have a double liner and leak detection system as specified in Technical Report Section 4.2.2.1. The leak detection system will be checked daily for leakage and, if a sufficient quantity exists, will be sampled. Strata proposes to use common constituents such as conductivity and chloride to determine if the fluid in the leak detection system is from the ponds. Additional details of the leak detection monitoring system are outlined in Technical</p>

Draft LC #	Draft License Condition	Strata Comments
10.20 (Cont.)		Report Section 5.7.8.3.
10.21	Emission Controls (Dryer). The licensee shall maintain effluent control systems as specified in Sections 3.3.1, 4.1, and 5.7.1 of the approved license application, with the following exception:	No comment.
10.21	If any of the yellowcake emission control equipment fails to operate within specifications set forth in the standard operating procedures, the drying and packaging room shall immediately be closed-in as an airborne radiation area and heating operations shall be switched to cooldown, or packaging operations shall be temporarily suspended. Packaging operations shall not be resumed until the vacuum system is operational to draw air into the system.	No comment.
10.21	All these cessations, corrective actions, and restarts must be reported to the appropriate NRC regional office as indicated in Criterion 8A, in writing, within ten days of the subsequent restart.	No comment.
SECTION 11: Monitoring, Recording, and Bookkeeping Requirements		
<i>Standard Conditions</i>		
11.1	In addition to reports required to be submitted to NRC staff or maintained on-site by the applicable parts of Title 10 of the Code of Federal Regulations, the licensee shall prepare the following reports related to operations at the facility:	
11.1	A) A quarterly report that includes a summary of the weekly excursion indicator parameter concentrations, corrective actions taken, and the results obtained for all wells that were on excursion status during that quarter. This report shall be submitted to NRC within 30 days following completion of the reporting period.	Strata requests that NRC delete the word "weekly" if the quarterly report will include excursion results from wells that are not on weekly excursion sampling status. This would be consistent with other licenses. The revised License Condition would read as follows: A) <i>A quarterly report that includes a summary of the excursion indicator parameter concentrations, corrective actions taken, and the results obtained for all wells that were on excursion status during that quarter. This report shall be submitted to NRC within 30 days following completion of the reporting period.</i>
11.1	B) A quarterly report summarizing daily averaged flow rates and pressures for each injection manifold within the operating system. This report shall be made available for inspection upon request.	Strata requests that NRC delete the word "averaged" since LC 10.14 requires daily measurement of these parameters but not averaging. The revised License Condition would read as follows:

Draft LC #	Draft License Condition	Strata Comments
11.1 (Cont.)		<p><i>B) A quarterly report summarizing daily flow rates and pressures for each injection manifold within the operating system. This report shall be made available for inspection upon request.</i></p>
11.1	<p>C) A semi-annual report that discusses: status of wellfields (or wellfield modules if appropriate) for a wellfield (module) that is in operation (including last date of lixiviant injection), status of wellfields (wellfield modules) in restoration, status of any long term excursions and a summary of MITs during the reporting period. This report shall be submitted to NRC within 30 days following completion of the reporting period.</p>	<p>Strata requests that NRC delete the phrase “for a wellfield (module) that is” as redundant.</p> <p>Strata requests that the time allowed for submission of this report be changed from 30 days to 60 days, consistent with the Powertech Dewey-Burdock draft license.</p> <p>The revised License Condition would read as follows:</p> <p><i>A semi-annual report that discusses: status of wellfields (or wellfield modules if appropriate) in operation (including last date of lixiviant injection), status of wellfields (wellfield modules) in restoration, status of any long term excursions and a summary of MITs during the reporting period. This report shall be submitted to NRC within 60 days following completion of the reporting period.</i></p>
11.1	<p>D) Consistent with Regulatory Position 2 of Regulatory Guide 4.14 (as revised), a semiannual report that summarizes the results of the operational effluent and environmental monitoring program. For this program, the nearby water supply wells are those within 2 km of the perimeter ring monitoring wells for all wellfields undergoing recovery operations or restoration.</p>	No comment.
11.1	<p>E) An annual report pursuant to LC 9.4(E).</p>	No comment.
11.1	<p>F) An annual report that summarizes modifications to the inventory of nearby water supply wells and land-use survey within 2 kilometers of the Ross Project.</p>	<p>Strata requests that NRC insert “any production area”, consistent with the requested changes in LC 12.3 and similar provisions contained in SUA-1597 and SUA-1598.</p> <p>The revised License Condition would read as follows:</p> <p><i>An annual report that summarizes modifications to the inventory of nearby water supply wells and land-use survey within 2 kilometers of any production area.</i></p>
11.2	<p>The licensee shall submit the results of the annual review of the radiation protection program performed in accordance with 10 CFR</p>	No comment.

Draft LC #	Draft License Condition	Strata Comments
11.2 (Cont.)	20.1101(c). This review shall include content and implementation of the radiation protection program. Results shall include an analysis of dose to individual members of the public consistent with 10 CFR 20.1301 and 10 CFR 20.1302.	
11.3	<u>Establishment of Background Water Quality.</u> Prior to injection of lixiviant in a wellfield, the licensee shall establish background groundwater quality data for the ore zone, overlying and underlying aquifers. The background water quality sampling shall provide representative baseline data and establish groundwater protection standards and excursion monitoring upper control limits, as described in Section 5.7.8 of the approved license application and this license condition. The data for each mine unit shall consist, at a minimum, of the following sampling and analyses:	No comment.
11.3	A) <u>Ore Zone.</u> To establish a Commission-approved background concentration pursuant to Criteria 5B(5)(a) of 10 CFR Part 40 Appendix A, samples shall be collected from production and injection wells at a minimum density of one production or injection well per two acres of wellfield production area, or, if a wellfield production area is sufficiently isolated from the other wellfield production areas in the Wellfield, a minimum of two wells. Wells selected for the baseline data will be those used to measure restoration success and stabilization.	<p>The Technical Report p. 5-80 commits to one well cluster per 4 acres, which is consistent with WDEQ requirements and other licenses. Additionally, Strata further committed in TR RAI Response 38 "Ore zone baseline wellfield wells will be distributed areally to encompass the economic mineralization and, to the extent possible, have at least one well report to each module building.</p> <p>Additionally SUA-1597 and SUA-1598 both allow 1 well per 4 acres and the Permit to Mine issued to Strata on November 16, 2012 by the Wyoming Department of Environmental Quality specifies 1 monitor well cluster per 4 acres.</p> <p>Finally, Strata requests that 'Criteria' be replaced with 'Criterion'.</p> <p>The revised License Condition would read:</p> <p><i><u>Ore Zone.</u> To establish a Commission-approved background concentration pursuant to Criterion 5B(5)(a) of 10 CFR Part 40 Appendix A, samples shall be collected from production and injection wells at a minimum density of one production or injection well per four acres of wellfield production area, or, if a wellfield production area is sufficiently isolated from the other wellfield production areas in the Wellfield, a minimum of</i></p>

Draft LC #	Draft License Condition	Strata Comments
11.3 (Cont.)		<i>two wells. Wells selected for the baseline data will be those used to measure restoration success and stabilization.</i>
11.3	B) <u>Perimeter Monitoring Wells</u> . Samples shall be collected from all perimeter monitoring wells that will be used for excursion monitoring program. The perimeter wells will be installed for a wellfield in accordance with information presented in Section 3.1.6 of the approved license application. In no case will the perimeter monitoring wells be installed outside of the exempted aquifer as defined by the UIC permit issued by the Wyoming Department of Environmental Quality.	No comment.
11.3	C) <u>Overlying and Underlying Aquifers</u> . Samples shall be collected from all monitoring wells in the first overlying and first underlying aquifer at a minimum density of one well per 4 acres of wellfield.	No comment.
11.3	D) <u>Sampling and Analyses</u> . Four samples shall be collected from each well to establish background levels. The sampling events shall be at least 14 days apart. The samples shall be analyzed for parameters listed in Table 5.7-2 of the approved license application. The third and fourth sample events can be analyzed for a reduced list of parameters; the parameters that can be deleted from analysis are those below the minimum analytical detection limits (MDL) during the first and second sampling events provided the MDLs meet the data quality objectives for the sampling.	No comment.
11.3	E) <u>Background Water Quality</u> . For the perimeter ring monitoring wells (Section B) and monitoring wells in the overlying and underlying aquifers (Section C), the background levels shall be the mean values on a parameter-by-parameter, well-by-well, wellfield or sub-set of the wellfield basis, as deemed appropriate, in accordance with Section 5.7.8.2 of the approved license application. The UCLs for monitoring wells in the perimeter ring and overlying and underlying aquifers are established per LC 11.4. For the ore zone monitoring wells, the background levels shall be established on a parameter-by-parameter basis using either the wellfield, sub-set of the wellfield or well-specific mean value. The established background value for each parameter shall be based on the mean value plus a statistically valid factor to account for spatial variability in the data, in accordance with Section 6.1.1.1 of the approved license application.	Strata requests that Section 5.7.8.1 of the Technical Report should be referenced in regards to establishment of UCLs. The revised License Condition would read: <i>E) <u>Background Water Quality</u>. For the perimeter ring monitoring wells (Section B) and monitoring wells in the overlying and underlying aquifers (Section C), the background levels shall be the mean values on a parameter-by-parameter, well-by-well, wellfield or sub-set of the wellfield basis, as deemed appropriate, in accordance with Section 5.7.8.1 of the approved license application. The UCLs for monitoring wells in the perimeter ring and overlying and underlying aquifers are established per LC 11.4. For the ore zone monitoring wells, the background levels shall be established on a parameter-by-parameter basis using either the wellfield,</i>

Draft LC #	Draft License Condition	Strata Comments
11.3 (Cont.)		<i>sub-set of the wellfield or well-specific mean value. The established background value for each parameter shall be based on the mean value plus a statistically valid factor to account for spatial variability in the data, in accordance with Section 6.1.1.1 of the approved license application.</i>
11.4	<u>Establishment of UCLs.</u> Prior to injection of lixiviant into a wellfield, the licensee shall establish excursion control parameters and their respective upper control limits (UCLs) in the designated overlying aquifer, underlying aquifer and perimeter monitoring wells in accordance with Section 5.7.8.2 of the approved license application. Unless otherwise determined, the default excursion parameters for wells in the ore zone and overlying aquifer are chloride, conductivity, and total alkalinity. The default excursion parameters for wells in the underlying aquifer are sulfate, conductivity, and total alkalinity. The UCLs shall be established for each excursion control parameter and for each well, wellfield or subset of the wellfield, as appropriate, based on the mean plus five standard deviations of data collected for LC 11.3. The UCL for chloride can be set at the background mean concentration plus either five standard deviations or 15 mg/l, whichever is higher.	No comment.
11.5	<u>Excursion Monitoring.</u> Monitoring for the excursion monitoring program shall be conducted twice monthly (semi-monthly) and at least 10 days apart for wells installed under LC 11.3 (B and C). If, at any well during a semi-monthly sampling event, the concentrations of any two excursion indicator parameters exceed their respective UCL or any one excursion indicator parameter exceeds its UCL by 20 percent, then the excursion criterion is exceeded and a verification sample shall be taken from that well within 48 hours after results of the first analyses are received. If the verification sample confirms that the excursion criterion is exceeded, then the well is placed on excursion status. If the verification sample does not confirm that the excursion criterion is exceeded, a third sample shall be taken within 48 hours after the verification sampling. If the third sample shows that the excursion criterion is exceeded, the well is placed on excursion status. If the third sample does not show that the excursion criterion is exceeded, the first sample shall be considered to be an error and routine excursion monitoring is resumed (the well is not placed on excursion status).	Strata requests that NRC revise the fourth sentence to allow for the time necessary to complete laboratory analysis of the samples, similar to the wording in the second sentence of the License Condition. The revised License Condition would read as follows: <i><u>Excursion Monitoring.</u> Monitoring for the excursion monitoring program shall be conducted twice monthly (semi-monthly) and at least 10 days apart for wells installed under LC 11.3 (B and C). If, at any well during a semi-monthly sampling event, the concentrations of any two excursion indicator parameters exceed their respective UCL or any one excursion indicator parameter exceeds its UCL by 20 percent, then the excursion criterion is exceeded and a verification sample shall be taken from that well within 48 hours after results of the first analyses are received. If the verification sample confirms that the excursion criterion is exceeded, then the well is placed on excursion status. If the verification</i>

Draft LC #	Draft License Condition	Strata Comments
11.5 (Cont.)		<p><i>sample does not confirm that the excursion criterion is exceeded, a third sample shall be taken within 48 hours after the results of the verification sampling are received. If the third sample shows that the excursion criterion is exceeded, the well is placed on excursion status. If the third sample does not show that the excursion criterion is exceeded, the first sample shall be considered to be an error and routine excursion monitoring is resumed (the well is not placed on excursion status)</i></p>
11.5	<p>Upon confirmation of an excursion, the licensee shall notify NRC as discussed below, implement corrective action, and increase the sampling frequency for the excursion indicator parameters at the well on excursion status to at least once every seven days. Corrective actions for confirmed excursions may be, but are not limited to, those described in Section 5.7.8.2 of the approved license application. An excursion is considered corrected when concentrations of all indicator parameters defining the excursion status are at or below the UCLs defined in LC 11.4 for three consecutive weekly samples.</p>	<p>Strata requests that NRC clarify the reporting requirement by deleting “below” from the first sentence and inserting “in License Condition 11.6...”</p> <p>The revised License Condition would read as follows:</p> <p><i>Upon confirmation of an excursion, the licensee shall notify NRC as discussed in License Condition 11.6, implement corrective action, and increase the sampling frequency for the excursion indicator parameters at the well on excursion status to at least once every seven days. Corrective actions for confirmed excursions may be, but are not limited to, those described in Section 5.7.8.2 of the approved license application. An excursion is considered corrected when concentrations of all indicator parameters defining the excursion status are at or below the UCLs defined in LC 11.4 for three consecutive weekly samples.</i></p>
11.5	<p>For wellfields located in an area in which the uppermost aquifer, the “SA Aquifer”, is comprised of saturated unconsolidated alluvium, the licensee will include monitoring wells in the SA Aquifer in that area of the wellfield as part of the excursion monitoring program as described in LC 11.5. The minimum density of wells in the alluvium uppermost aquifer will be one well per four acres of production area. The baseline sampling frequency for the uppermost aquifer well will be quarterly, unless the licensee demonstrates that seasonal variation in the saturated alluvium is negligible.</p>	<p>Strata has four comments on this License Condition:</p> <ol style="list-style-type: none"> 1) The saturated alluvium of the SA interval is not areally extensive across the project area, but rather follows the lowlands of the Little Missouri River as indicated in the approved license application. Therefore, the total areal overlap of the mapped alluvium and proposed wellfields is minimal in the project area. 2) As indicated in the Technical Report, the depth of the mineralization in the Ross license area ranges from 410 feet to 700 feet, well below the bottom of the SA interval. Therefore, rather than excursion monitoring, the intent of these monitoring wells would be to ensure that any leaks

Draft LC #	Draft License Condition	Strata Comments
11.5 (Cont.)		<p>or spills in the wellfield areas don't alter the SA interval's water quality as well as the interconnected surface water features. Specifically, the Technical Report, pg 5-83 indicated, "...the SA well network will continue to be sampled on a quarterly basis through the wellfield data acquisition phase and be available for more frequent monitoring in the event of an upset condition, such as a significant spill or pipeline leak."</p> <p>3) As indicated in the Technical Report, groundwater in the SA interval generally moves from the highlands to the lowlands converging in the Little Missouri River valley. Therefore, potential leaks/spills within the proposed wellfield areas will also migrate downgradient. Given these facts, Strata would propose a SA monitoring network consisting of 1-2 SA wells that lie topographically between each wellfield and the Little Missouri River valley.</p> <p>4) Based on the data in the approved license application including data provided with the RAI responses, Strata believes that seasonal water quality variations are negligible in the SA interval. The included trend plots for excursion control parameters do not indicate fluctuations that can be attributed to seasonal influences from precipitation and runoff (Attachment 1). The hydrographs included with the trend analysis do indicate some seasonal water level changes; however, there is no apparent corresponding change in the water quality of the SA interval. Strata would propose that the 1-2 SA monitoring wells installed as part of the wellfield baseline program be sampled at the same frequency as the overlying, ore zone and underlying aquifer monitoring wells. Quarterly compliance sampling should be on a well by well basis and limited to a period after a reportable leak/spill has occurred in an upgradient wellfield.</p> <p>The revised License Condition would read as follows:</p> <p><i>For wellfields located upgradient of an area in which the uppermost aquifer, the "SA Aquifer", is comprised of</i></p>

Draft LC #	Draft License Condition	Strata Comments
11.5 (Cont.)		<i>saturated unconsolidated alluvium, the licensee will include monitoring wells in the SA Aquifer between the wellfield and the nearest downgradient surface water feature. The density of wells in the alluvial aquifer will be 1-2 wells per wellfield in those areas with saturated alluvium. The baseline sampling frequency for the uppermost aquifer wells will be as described in License Condition 11.3.D, or on a well by well basis after a reportable surficial leak/spill has occurred in an upgradient wellfield.</i>
11.5	If a vertical excursion is detected during operations, then injection of lixiviant into the production area surrounding the monitoring well will cease until the licensee demonstrates to the satisfaction of NRC that the vertical excursion is not attributed to leakage through any abandoned drill hole.	No comment.
11.5	If an excursion is not corrected within 60 days of the initial confirmation, the licensee shall either: (a) terminate injection of lixiviant within the wellfield, or a portion of the wellfield provided the licensee demonstrates to NRC that only a portion of the wellfield is within the area of influence for the excursion) until the excursion is corrected; or (b) increase the financial surety in an amount to cover the full third-party cost for correcting and cleaning up impacts that may be attributed to the excursion. The surety increase shall remain in force until the NRC has verified that the excursion has been corrected and appropriate remedial actions have been undertaken. The written 60-day excursion report shall identify which course of action the licensee is taking if the excursion has not been corrected. Under no circumstances does this condition eliminate the requirement that the licensee remediate the excursion to meet groundwater protection standards as required by LC 11.3.	No comment.
11.5	The licensee shall notify the NRC Project Manager (PM) by telephone or email within 24 hours of confirming a lixiviant excursion, and by letter within 7 days from the time the excursion is confirmed, pursuant to this license condition and LC 9.3. A written report describing the excursion event, corrective actions taken, and the corrective action results shall be submitted to the NRC within 60 days of the excursion confirmation. For all wells that remain on excursion after 60 days, the licensee shall submit a report as discussed in LC 11.1(A).	No comment.
11.6	Until license termination, the licensee shall maintain documentation on spills of source or byproduct materials (including process solutions) and process chemicals. Documented information shall include, but not be	No comment.

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11.6 (Cont.)	limited to: date, spill volume, total activity of each radionuclide released, radiological survey results, soil sample results (if taken), corrective actions, results of post remediation surveys (if taken), a map showing the spill location and the impacted area, and an evaluation of NRC reporting criteria.	
11.6	The licensee shall have procedures used to evaluate the consequences of the spill or incident/event against 10 CFR Part 20 Subpart M and 10 CFR 40.60 reporting criteria. If the criteria are met, then report the spill or incident/event to the NRC Operations Center as required.	No comment.
11.6	If the licensee is required to report to a State or other Federal agency incidents/events that may have an impact on the environment, including wellfield excursions or spills of source, byproduct material, and/or process chemicals, the licensee shall submit a report to the NRC Headquarters Project Manager (PM) by telephone or electronic mail (e-mail) within 24 hours. This notification shall be followed, within 30 days of the notification, by submittal of a written report to NRC Headquarters in accordance with LC 9.3, detailing conditions leading to the spill or incident/event, corrective actions taken, and results achieved.	<p>Strata requests that NRC revise the requirement for submission of written report by deleting the 30 day requirement and allowing 60 days as discussed in Section 5.7.8.2 of the Technical Report and as allowed in SUA-1597 and SUA-1598, among others.</p> <p>The revised License Condition would read as follows:</p> <p><i>If the licensee is required to report to a State or other Federal agency incidents/events that may have an impact on the environment, including wellfield excursions or spills of source, byproduct material, and/or process chemicals, the licensee shall submit a report to the NRC Headquarters Project Manager (PM) by telephone or electronic mail (e-mail) within 24 hours. This notification shall be followed, within 60 days of the notification, by submittal of a written report to NRC Headquarters in accordance with LC 9.3, detailing conditions leading to the spill or incident/event, corrective actions taken, and results achieved.</i></p>
11.7	Any time uranium in a worker's urine specimen exceeds 15 micrograms per liter (ug/l), the annual ALARA audit will indicate what corrective actions were considered or performed.	Strata requests that this License Condition be deleted. Strata committed in Section 5.7.4 of the Technical Report to implement the corrective actions specified in Table 1 of Regulatory Guide 8.22. RG 8.22 states these "Action levels and actions in Tables 1 and 2 are acceptable as a basis for a uranium mill bioassay program". RG 8.22 does not include consideration in the annual ALARA report as an action indicated for this concentration of uranium in urine. (In fact, the March 2012 draft revision of RG 8.22 (DG-8051) does not include this new requirement). Any action taken in response to the action levels listed in RG 8.22 will be documented and available for inspection by

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11.7 (Cont.)		NRC. Inclusion in the annual ALARA Report is a new requirement that is not included in previous licenses issued by NRC and should be deleted.
11.8	Any time a uranium action level of 35 ug/l for two consecutive urine specimens or 130 ug/l for any one specimen is reached or exceeded, the licensee shall provide documentation, within 30 days, to the NRC, indicating what corrective actions have been performed.	Similar to the Strata comments on LC 11.7, this LC contains new requirements (i.e., submission of a formal report to NRC) that are not included in other ISR licenses and that exceed the corrective actions identified in Regulatory Guide 8.22 Table 1. Strata requests that this License Condition be deleted.
SECTION 12.0: Preoperational Conditions		
<i>Standard Conditions</i>		
12.1	Prior to commencement of operations, the licensee shall obtain all necessary permits and licenses from the appropriate regulatory authorities. The licensee shall submit a copy of the permits it has obtained from other regulatory agencies for any effluent or waste disposal that includes treated or non-treated byproduct material, as well as documents clearly delineating the approved aquifer exemption areas and boundaries for the Class III UIC wells to the NRC.	No comment.
12.2	Prior to commencement of operations, the licensee shall coordinate critical emergency response requirements with local authorities, fire department, medical facilities, and other emergency services. The licensee shall document these coordination activities and maintain such documentation on-site.	No comment.
12.3	Prior to commencement of operations, the licensee shall identify the location, screen depth, and estimated pumping rate of any new water supply well or new use for an existing well within 2 kilometers of the license area since the application was submitted to the NRC. The licensee shall evaluate the impact of ISR operations and recommend any additional monitoring or other measures to protect groundwater users. The evaluation shall be submitted to the NRC staff for review and verification.	<p>Strata requests that NRC change “within 2 kilometers of the license area” to “within 2 kilometers of any proposed production area” for consistency with LC 11.1(D) as well as with similar conditions in SUA-1597 and SUA-1598. Strata also requests that NRC specify a 30 day submittal time before commencement of operations to ensure that review and verification will not delay operations.</p> <p>The revised License Condition would read as follows:</p> <p><i>Prior to commencement of operations, the licensee shall identify the location, screen depth, and estimated pumping rate of any new water supply well or new use for an existing well within 2 kilometers of any proposed production area since the application was submitted to the NRC. The licensee shall evaluate the impact of ISR operations and recommend any additional monitoring or</i></p>

Draft LC #	Draft License Condition	Strata Comments
12.3 (Cont.)		<i>other measures to protect groundwater users. The evaluation shall be submitted to the NRC staff at least 30 days prior to the expected commencement of operations for review and verification.</i>
12.4	Prior to commencement of operations, the licensee shall submit the qualifications of radiation safety staff members for NRC review.	No comment.
12.5	Prior to commencement of operations, the licensee shall submit a copy of the solid byproduct material disposal agreement to the NRC.	No comment.
12.6	The licensee shall not commence operations until the NRC performs a preoperational inspection to confirm, in part, that operating procedures and approved radiation safety and environmental monitoring programs are in place, and that preoperational testing is complete.	No comment.
12.6	The licensee should inform the NRC, at least 90 days prior to the expected commencement of operations, to allow for sufficient time for NRC to plan and perform the preoperational inspection.	No comment.
<i>Facility Specific Conditions</i>		
12.7	The licensee shall provide additional documentation for NRC staff review and verification that the initial two sampling events under the pre-operational monitoring program at wells in the DM and SM aquifers with elevated pH levels are representative of aquifer conditions. If such documentation is not available, then the licensee will conduct two additional sampling events for those wells and re-evaluate the pre-operational conditions for the affect aquifers.	Strata would suggest that this License Condition is unnecessary and should be deleted as Strata provided additional water quality data collected in 2011 to the NRC in response to ER RAI WR-4. Those data combined with the initial four quarters of results provided in the Technical Report exceeded the frequency and temporal guidance provided in RG 4.14.
12.8	The licensee shall provide for the following information for the airborne effluent and environmental monitoring program in which it shall:	Strata requests that NRC delete this License Condition for specific reasons provided with subsections A, B and C.
12.8	A) Discuss how, in accordance with 10 CFR 40.65, the quantity of the principal radionuclides from all point and diffuse sources will be accounted for, and verified by, surveys and/or monitoring.	Strata believes that the Technical Report in Section 5.7.1.1.2 (Estimating and Reporting Effluent Releases per 10 CFR 40.65 and to Demonstrate Compliance with Public Dose Limits at 10 CFR 20.1301) and 5.7.7.2 (Effluent Reports) provides a detailed description that addresses this requirement. The MILDOS–AREA computer code will be used in conjunction with the process parameters applicable to the previous 6 months of facility operation to estimate the semiannual radon source term. It will be conservatively assumed that the radon progeny are in equilibrium with the radon parent when released in estimating the total quantities of radionuclides emitted during the previous six-month period. These estimates will be verified under the

Draft LC #	Draft License Condition	Strata Comments
12.8 (Cont.)		environmental monitoring program by analysis of radon (Track–Etch detectors for radon 222 gas) and analysis of soil and air particulate samples for Pb -210 (radon progeny). These sampling and analysis commitments are provided in Section 5.7.7.1 (Operational Environmental Monitoring Program) of the Technical Report. Strata notes that 10 CFR 40.65 does not specify how the “quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous six months of operation” is to be determined and does not require “measurements” per se.
12.8	B) Evaluate the member(s) of the public likely to receive the highest exposures from licensed operations consistent with 10 CFR 20.1302.	Strata believes that Section 7.3 of the Technical Report provides the detailed analysis involving the assessment of a large number of candidate public exposure scenarios, demonstrating who is the maximally exposed member of the public and that annual doses are estimated to be a small fraction of the 10 CFR 20.1302 public exposure limits.
12.8	C) Discuss how, in accordance with 10 CFR 20.1501, the occupational dose (gaseous and particulate) received throughout the entire License Area from licensed operations will be accounted for, and verified by, surveys and/or monitoring.	Ambient environmental monitoring programs for gaseous and particulate dose estimates were provided in the Technical Report in Section 5.7.7.1.1.
12.9	Prior to the preoperational inspection, the licensee shall develop a survey program for beta-gamma contamination for personnel exiting from restricted areas, and beta-gamma contamination in unrestricted and restricted areas, that will meet the requirements of 10 CFR Part 20, Subpart F. The licensee shall provide for NRC staff review and approval of the surface contamination detection capability (scan MDC) for radiation survey meters used for contamination surveys to release equipment and materials for unrestricted use and for personnel contamination surveys. The detection capability in the scanning mode for the alpha and beta radiation expected shall be provided in terms of dpm per 100 cm ² .	No comment.
12.10	Prior to operations, the licensee shall submit to the NRC staff, for review and verification, the procedures by which it will ensure that unmonitored employees will not exceed 10 percent of the dose limits in 10 CFR Part 20, Subpart C.	No comment.
12.11	At least 60 days prior to the preoperational inspection, the licensee will submit a completed Quality Assurance Project Plan (QAPP) to the NRC staff for review to verify that the QAPP will be consistent with Regulatory Guide 4.15 (as revised).	No comment.

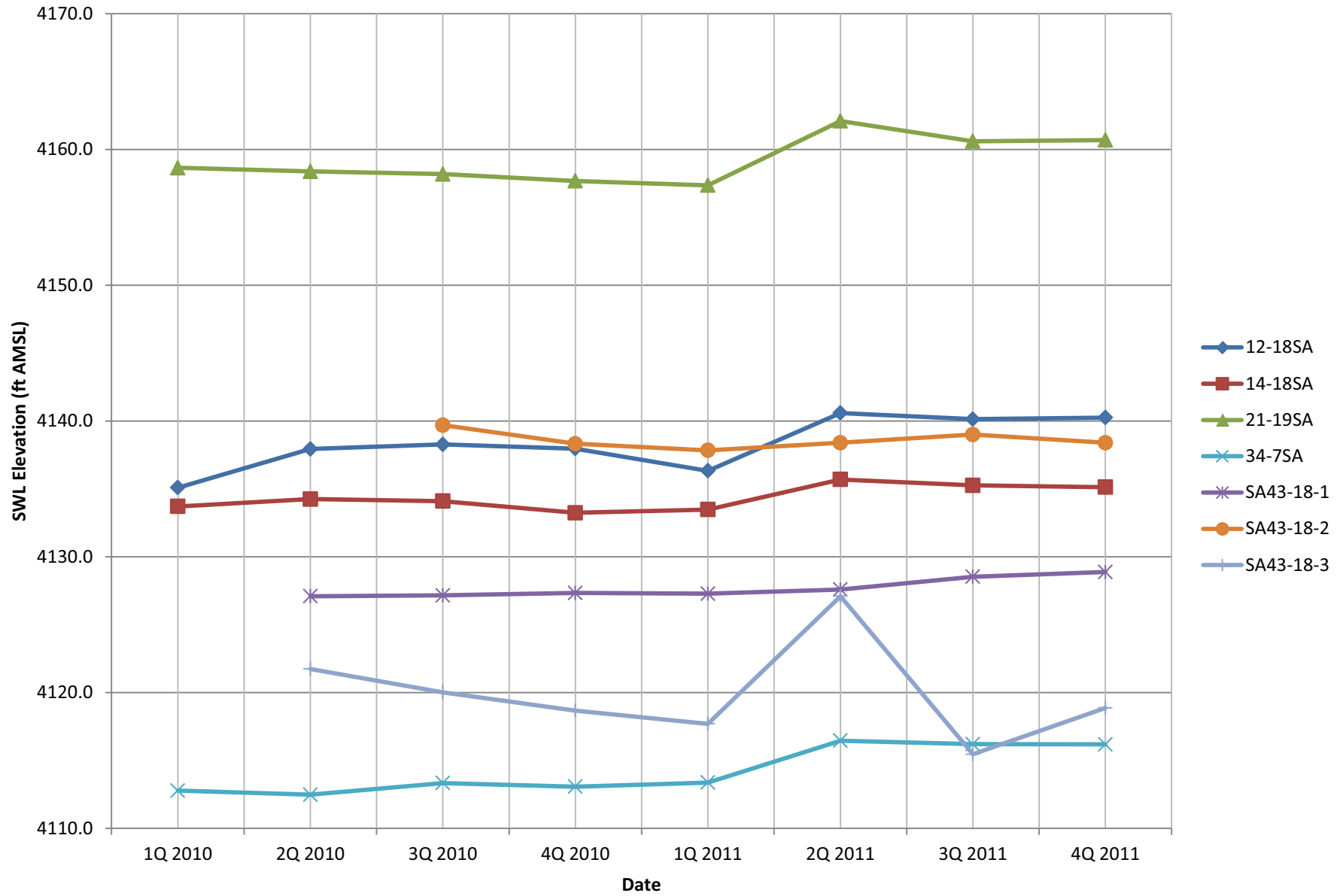
Draft LC #	Draft License Condition	Strata Comments
12.12	Prior to major site construction, the licensee shall submit to the NRC staff, for review and verification, a radiological environmental monitoring program report that will include three cattle samples and up- and downstream composite sediment samples collected along the traverse of streams, as described in Regulatory Guide 4.14 to comply with 10 CFR Part 40, Appendix A, Criterion 7.	<p>Strata requests that this License Condition be deleted. Results from a beef sample and a venison sample were provided in the license application. An additional venison sample was collected in the fall of 2011 (results included as Attachment 2). Note that deer are more likely to spend their life cycle near the license area than livestock that would be consumed by humans. These three samples meet the intent of Regulatory Guide 4.14 for pathways to humans via vegetation, food and fish samples for a <u>Preoperational Sampling Program</u>.</p> <p>Sediment samples from the three surface water monitoring stations (located upstream and downstream of the license area) and Oshoto Reservoir were submitted in the license application. The samples were collected in the fall of 2010. Due to the ephemeral nature of the Little Missouri River, the suggested semi-annual frequency was determined to be unnecessary; however, additional sediment samples were collected in the spring of 2011, which are attached to this comment package as Attachment 2. Strata suggests that the samples provided in the TR meet the requirements of Regulatory Guide 4.14, particularly since the NRC staff did not request additional information from Strata during their initial review of the Technical Report.</p>
12.13	Prior to operations, the licensee will provide, for NRC staff review and written verification, results from sufficient number of beef samples from animals with access to grazing fodder within 3 kilometers of the Ross Project, as recommended by Regulatory Guide 4.14.	This license condition is satisfied in the comment provided for LC 12.13. Strata requests that this condition be omitted from the license.
12.14	Prior to operations, the licensee will provide, for NRC staff review and verification, statistical analysis and/or additional sampling to demonstrate seasonal variations in the atmospheric processes that affect transport and deposition of radon and its progeny.	Strata requests that this License Condition be deleted. The radon data provided in the TR as well as the additional data provided in the February 2011 Addendum 2.9-D submittal indicated potential seasonal trends. To further evaluate radon seasonality and in support of an expected RAI, Strata continued monitoring through the 2 nd quarter of 2012 for a total of 10 quarters of radon monitoring data (including the 4 quarters provided in the TR and February Addendum 2.9-D submittal). Strata conducted an analysis of the variance to test for seasonal trends. The results of the analysis indicated that the overall project showed no statistical difference between

Draft LC #	Draft License Condition	Strata Comments
12.14 (Cont.)		seasons. The additional radon monitoring data and statistical analysis have been provided to NRC in this comment package as Attachment 3.
12.15	Prior to operations, the licensee will provide written standard operational procedures (SOPs) required for LC 10.4, which will include information to meet the following specific-site conditions:	
12.15	A) Well development and sampling of low-yielding monitoring wells	No Comment.
12.15	B) Maximum pressure for MIT testing of monitoring wells	Strata's approved license application, specifically Technical Report, Section 3.1.2.3 provides a maximum testing pressure of 175 psi for all wells including monitor wells. This commitment is incorporated by reference as a requirement in License Condition 9.2. Therefore, Strata suggests that this license condition is unnecessary and requests that it be deleted.
12.15	C) Inspection procedure for dewatering system effectiveness	No Comment.
12.15	D) A CPP effluent and environmental monitoring program (if not incorporated into the groundwater detection monitoring program required by LC 10.21)	Strata notes that the reference to LC 10.21 in this License Condition appears to be in error and should be LC 10.20.
12.16	Prior to construction of the retention ponds, the licensee shall submit, for NRC review and approval, a groundwater detection monitoring program plan for the retention ponds that meets requirements of Criteria 5 and 7A of 10 CFR Part 40, Appendix A. The plan will include specificity of elements discussed in Section 5.7.8.2 (Operational Monitoring-CPP Area) of the approved license application (e.g., monitoring dewatering effluent quality and water level and quality monitoring of monitoring wells along the containment barrier wall).	<p>Technical Report Section 5.7.8.2 and 5.7.8.3 detail the proposed monitoring plan for the shallow groundwater and retention ponds. Given the level of detail provided in the approved license application and the comments to draft License Condition 10.20, Strata suggests that the plan provided to NRC require review and verification versus approval.</p> <p>The revised License Condition would read as follows:</p> <p><i>Prior to construction of the retention ponds, the licensee shall submit for NRC review and verification, a groundwater detection monitoring program plan for the retention ponds that meets requirements of Criteria 5 and 7A of 10 CFR Part 40, Appendix A. The plan will include specificity of elements discussed in Section 5.7.8.2 (Operational Monitoring-CPP Area) of the approved license application (e.g., monitoring dewatering effluent quality and water level and quality monitoring of monitoring wells along the containment barrier wall).</i></p>

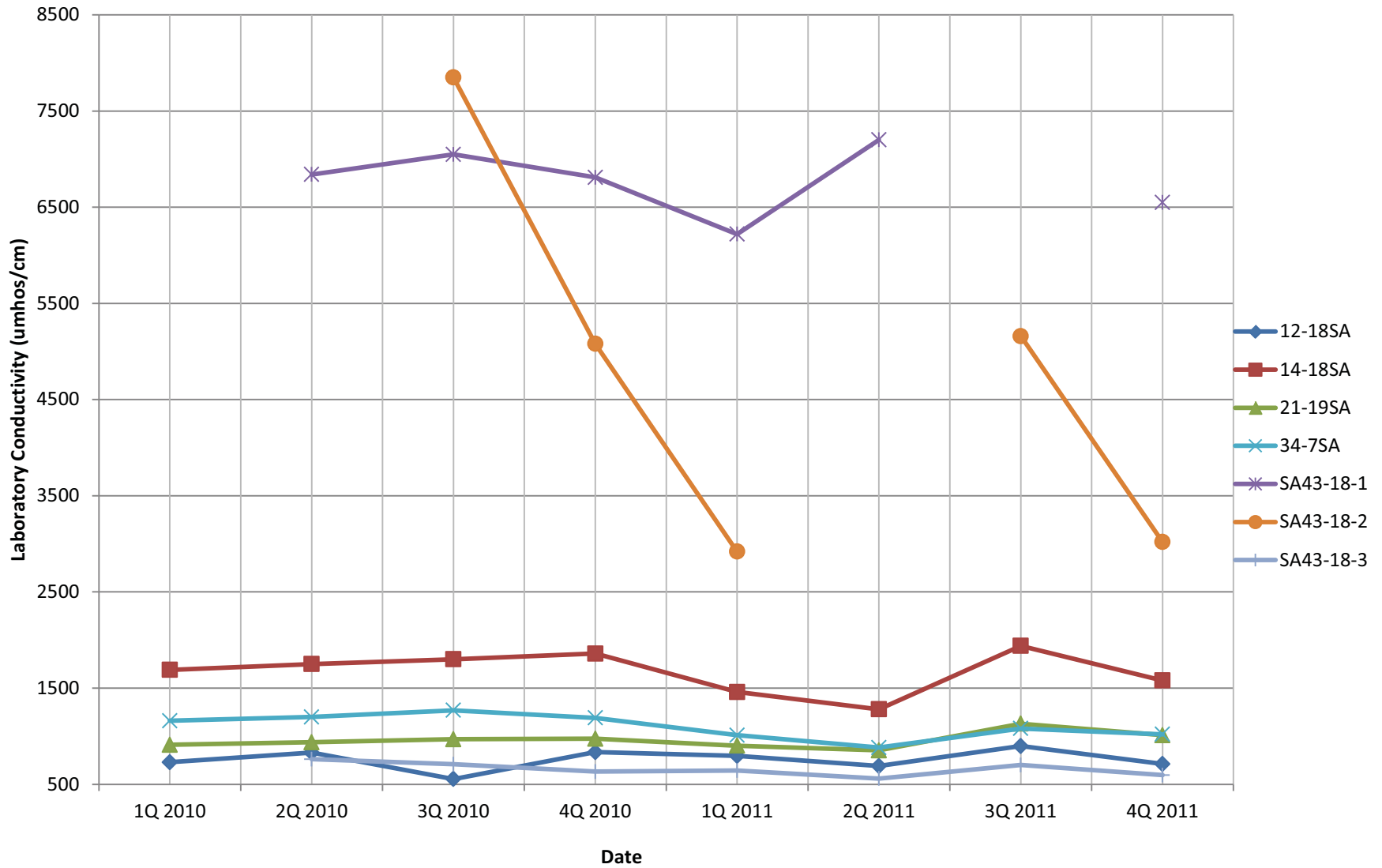
ATTACHMENT 1

Comments to Draft License
Ross ISR Project
December 2012
“SA Aquifer” Water Quality Trends

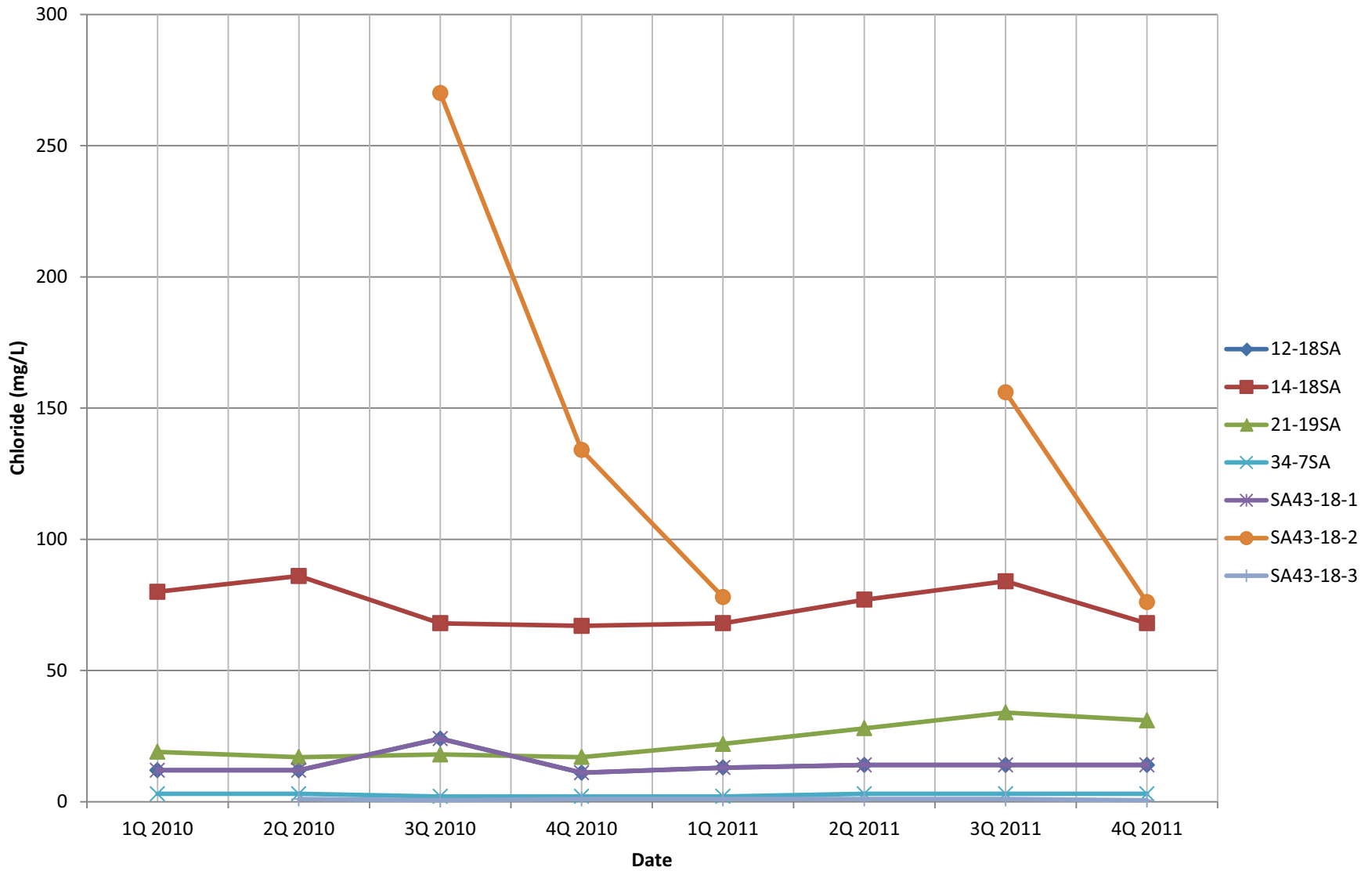
SA Hydrographs



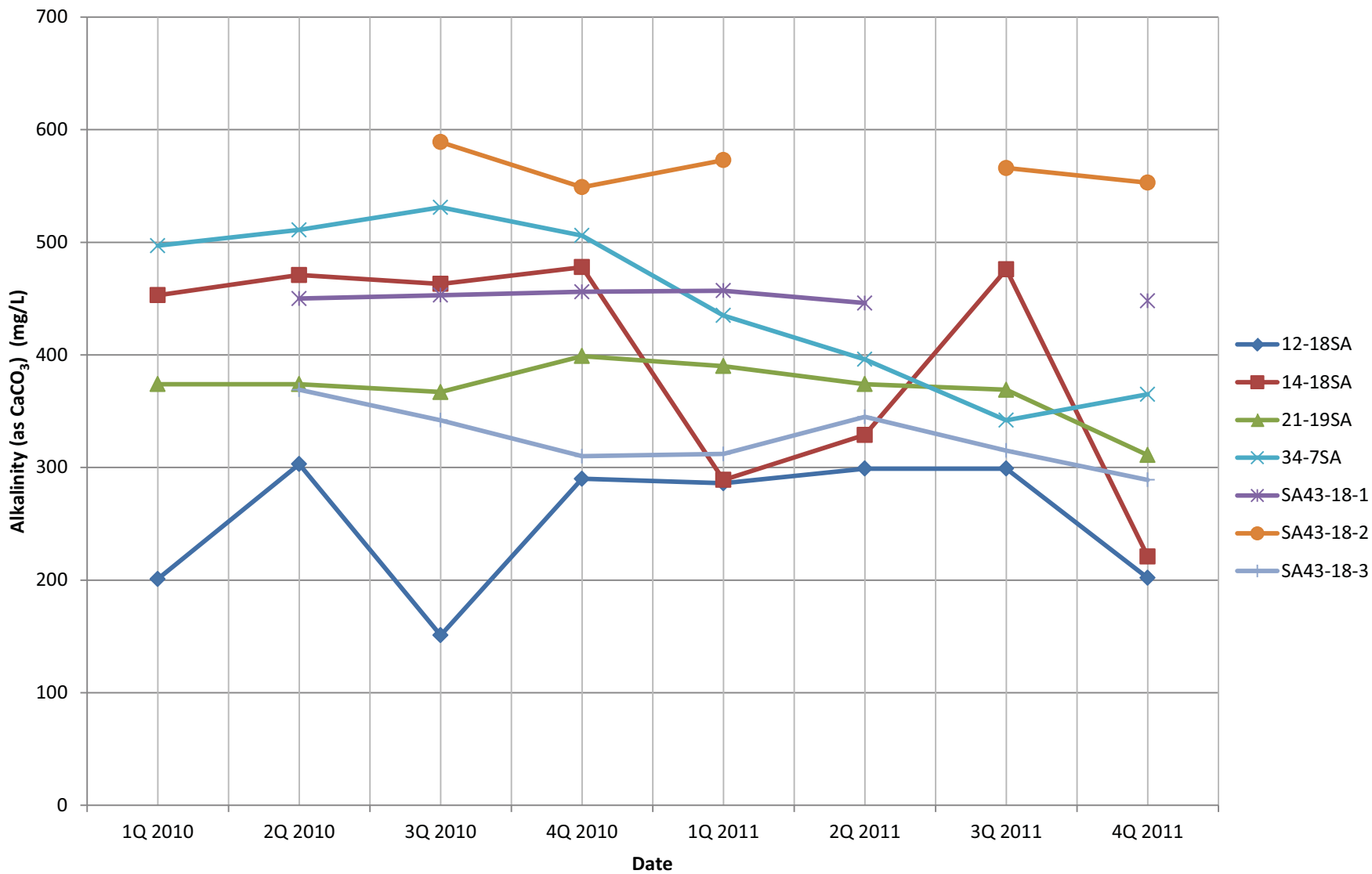
SA Lab Conductivity



SA Chloride



SA Alkalinity



ATTACHMENT 2

Comments to Draft License
Ross ISR Project
December 2012
2011 Venison and Sediment Sampling Results

2011 Grazing Animal Sample Results

Sample Date	Animal Type	Analyte				
		Pb-210 (pCi/kg)	Po-210 (pCi/kg)	Ra-226 (pCi/kg)	Th-230 (pCi/kg)	U-nat (mg/kg)
11/20/2011	Deer	17±1	<1	0.5±0.4	<0.2	0.025

2011 Sediment Sampling Results

Sample ID	Sample Date	Total Uranium (mg/kg)	Pb-210 (pCi/g)	Ra-226 (pCi/g)	Th-230 (pCi/g)
SW-1	5/4/2011	1.48	1.6±0.4	0.6±0.1	<0.2
SW-2	5/4/2011	1.33	2.4±0.4	1.0±0.1	0.9±0.2
SW-3	5/4/2011	2.51	3.2±0.5	1.3±0.1	0.8±0.2
Oshoto Res.	5/4/2011	3.40	1.8±1.0	1.0±0.1	0.5±0.2
CSRES02	5/16/2011	0.74	<1.0	<0.5	0.3±0.1
CSRES03	5/16/2011	0.89	<1	<0.5	0.5±0.2

ATTACHMENT 3

Comments to Draft License
Ross ISR Project
December 2012
2011-2012 Radon Air Sampling Program
Results and Summary

First Quarter 2011 Results for Radon in Air

Location #	Location ID	Exposure Dates	Reported Average Radon Concentration (pCi/L)	Reported Error ¹ (pCi/L)
1	Oshoto Field Office	1/12-4/13	0.4	0.03
2	Met Station	1/12-4/13	0.4	0.03
3	SW Station	1/12-4/13	0.2	0.02
4	E Station	1/12-4/13	0.2	0.02
5	S Station	1/12-4/13	0.2	0.02
6	Welsey Residence	1/12-4/13	0.2	0.02
7	Wood Residence	1/12-4/13	0.3	0.03
8	Strong Residence	1/12-4/13	0.1	
9	E. Evap Pond	1/12-4/13	0.4	0.03
10	E CPP	1/12-4/13	0.3	0.02
11	W Evap Pond	1/12-4/13	0.3	0.03
12	W CPP	1/12-4/13	0.3	0.02
13	Former R&D	1/12-4/13	0.2	0.02
14	N Mineralized	1/12-4/13	0.4	0.03
15	S Mineralized	1/12-4/13	0.3	0.03
16	N CPP	1/12-4/13	0.2	0.02
17	N Evap Pond	1/12-4/13	0.5	0.04
	AVERAGE		0.38	

¹ One standard deviation

Second Quarter 2011 Results for Radon in Air

Location #	Location ID	Exposure Dates	Reported Average Radon Concentration (pCi/L)	Reported Error ¹ (pCi/L)
1	Oshoto Field Office	4/13-7/12	0.4	0.03
2	Met Station	4/13-7/12	0.6	0.04
3	SW Station	4/13-7/12	0.4	0.03
4	E Station	4/13-7/12	0.4	0.03
5	S Station	4/13-7/12	0.5	0.04
6	Welsey Residence	4/13-7/12	0.4	0.03
7	Wood Residence	4/13-7/12	0.7	0.05
8	Strong Residence	4/13-7/12	0.5	0.04
9	E. Evap Pond	4/13-7/12	0.5	0.04
10	E CPP	4/13-7/12	0.5	0.04
11	W Evap Pond	4/13-7/12	0.5	0.04
12	W CPP	4/13-7/12	0.5	0.04
13	Former R&D	4/13-7/12	0.4	0.03
14	N Mineralized	4/13-7/12	0.5	0.04
15	S Mineralized	4/13-7/12	0.2	0.02
16	N CPP	4/13-7/12	0.4	0.04
17	N Evap Pond	4/13-7/12	0.3	0.03
	AVERAGE		0.44	

¹ One standard deviation

Third Quarter 2011 Results for Radon in Air

Location #	Location ID	Exposure Dates	Reported Average Radon Concentration (pCi/L)	Reported Error ¹ (pCi/L)
1	Oshoto Field Office	7/12-10/18	0.8	0.05
2	Met Station	7/12-10/18	0.7	0.05
3	SW Station	7/12-10/18	1.1	0.06
4	E Station	7/12-10/18	0.9	0.06
5	S Station	7/12-10/18	0.7	0.05
6	Welsey Residence	7/12-10/18	0.9	0.06
7	Wood Residence	7/12-10/18	1.0	0.06
8	Strong Residence	7/12-10/18	0.7	0.05
9	E. Evap Pond	7/12-10/18	1.0	0.06
10	E CPP	7/12-10/18	1.2	0.07
11	W Evap Pond	7/12-10/18	0.8	0.05
12	W CPP	7/12-10/18	0.5	0.04
13	Former R&D	7/12-10/18	0.9	0.06
14	N Mineralized	7/12-10/18	0.8	0.05
15	S Mineralized	7/12-10/18	0.8	0.05
16	N CPP	7/12-10/18	0.8	0.05
17	N Evap Pond	7/12-10/18	1.0	0.06
	AVERAGE		0.86	

¹ One standard deviation

Fourth Quarter 2011 Results for Radon in Air

Location #	Location ID	Exposure Dates	Reported Average Radon Concentration (pCi/L)	Reported Error ¹ (pCi/L)
1	Oshoto Field Office	10/18-1/10	0.9	0.06
2	Met Station	10/18-1/10	1.1	0.07
3	SW Station	10/18-1/10	1.4	0.08
4	E Station	10/18-1/10	1.1	0.07
5	S Station	10/18-1/10	0.9	0.06
6	Welsey Residence	10/18-1/10	1.3	0.08
7	Wood Residence	10/18-1/10	1.0	0.06
8	Strong Residence	10/18-1/10	0.9	0.06
9	E. Evap Pond	10/18-1/10	1.0	0.06
10	E CPP	10/18-1/10	1.0	0.06
11	W Evap Pond	10/18-1/10	0.9	0.06
12	W CPP	10/18-1/10	0.9	0.06
13	Former R&D	10/18-1/10	1.0	0.06
14	N Mineralized	10/18-1/10	1.0	0.06
15	S Mineralized	10/18-1/10	1.1	0.07
16	N CPP	10/18-1/10	0.9	0.06
17	N Evap Pond	10/18-1/10	0.8	0.05
	AVERAGE		1.01	

¹ One standard deviation

First Quarter 2012 Results for Radon in Air

Location #	Location ID	Exposure Dates	Reported Average Radon Concentration (pCi/L)	Reported Error ¹ (pCi/L)
1	Oshoto Field Office	1/10-3/30	0.5	0.04
2	Met Station	1/10-4/5	1.1	0.07
3	SW Station	1/10-4/5	1.2	0.07
4	E Station	1/10-4/5	0.2	0.02
5	S Station	1/10-4/5	0.3	0.02
6	Welsey Residence	1/10-4/5	0.5	0.03
7	Wood Residence	1/10-4/5	0.7	0.04
8	Strong Residence	1/10-4/5	0.3	0.02
9	E. Evap Pond	1/10-4/5	0.2	0.02
10	E CPP	1/10-4/5	0.7	0.05
11	W Evap Pond	1/10-4/5	0.6	0.04
12	W CPP	1/10-4/5	0.7	0.05
13	Former R&D	1/10-4/5	0.6	0.04
14	N Mineralized	1/10-4/5	0.7	0.05
15	S Mineralized	1/10-4/5	0.6	0.04
16	N CPP	1/10-4/5	0.8	0.05
17	N Evap Pond	1/10-4/5	0.5	0.04
	AVERAGE		0.60	

¹ One standard deviation

Second Quarter 2012 Results for Radon in Air

Location #	Location ID	Exposure Dates	Reported Average Radon Concentration (pCi/L)	Reported Error ¹ (pCi/L)
1	Oshoto Field Office	Site Decommissioned March 30, 2102		
2	Met Station	4/5-7/13	0.4	0.03
3	SW Station	4/5-7/13	1.0	0.06
4	E Station	4/5-7/13	0.7	0.05
5	S Station	4/5-7/13	0.7	0.05
6	Welsey Residence	4/5-7/13	0.6	0.04
7	Wood Residence	4/5-7/13	0.8	0.05
8	Strong Residence	4/5-7/13	0.5	0.04
9	E. Evap Pond ²	4/5-7/13	-	-
10	E CPP ²	4/5-7/13	0.1	-
11	W Evap Pond ²	4/5-7/13	0.6	0.04
12	W CPP ²	4/5-7/13	2.8	0.12
13	Former R&D	4/5-7/13	0.8	0.05
14	N Mineralized	4/5-7/13	0.5	0.04
15	S Mineralized	4/5-7/13	0.6	0.04
16	N CPP	4/5-7/13	0.6	0.04
17	N Evap Pond	4/5-7/13	0.7	0.05
	AVERAGE		0.76	

¹ One standard deviation

² Radon cup damaged by livestock

Summary of Radon in Air Results for Four Quarters

#	Location ID	Average ¹ Rn Conc 2010 Q1 (pCi/L)	Average ¹ Rn Conc 2010 Q2 (pCi/L)	Average ¹ Rn Conc 2010 Q3 (pCi/L)	Average ¹ Rn Conc 2010 Q4 (pCi/L)	Average ¹ Rn Conc 2011 Q1 (pCi/L)	Average ¹ Rn Conc 2010 Q2 (pCi/L)	Average ¹ Rn Conc 2011 Q3 (pCi/L)	Average ¹ Rn Conc 2011 Q4 (pCi/L)	Average ¹ Rn Conc 2012 Q1 (pCi/L)	Average ¹ Rn Conc 2012 Q2 (pCi/L)	Location Average ² for ALL Quarters (pCi/L)
1	Oshoto Office	1.7	0.7	0.8	0.5	0.4	0.4	0.8	0.8	0.5	NSN	0.7
2	Met Station	2.0	0.6	0.4	0.2	0.4	0.6	0.7	1.0	1.1	0.4	0.7
3	SW station	1.9	1.1	1.0	0.5	0.2	0.4	1.1	1.4	1.2	1.0	1.0
4	E Station	1.7	0.7	0.6	0.6	0.2	0.4	0.9	1.1	0.2	0.7	0.7
5	S Station	0.5	0.8	0.8	0.6	0.2	0.5	0.7	0.9	0.3	0.7	0.6
6	Wesley	0.9	1.0	0.9	0.5	0.2	0.4	0.9	1.3	0.5	0.6	0.7
7	Wood	1.1	0.9	1.3	0.5	0.3	0.7	1.0	1.0	0.7	0.8	0.8
8	Strong	0.8	0.7	0.9	0.5	0.1	0.5	0.7	0.9	0.3	0.5	0.6
9	E Evap Pond	0.3	0.9	0.8	0.9	0.4	0.5	1.0	1.0	0.2	NA	0.7
10	E CPP	0.4	0.9	0.6	0.7	0.3	0.5	1.2	1.0	0.7	0.1	0.6
11	W Evap Pond	0.6	0.6	0.6	0.5	0.3	0.5	0.8	0.9	0.6	0.6	0.6
12	W CPP	0.5	0.8	0.7	0.4	0.3	0.5	0.5	0.9	0.7	2.8	0.8
13	Former R&D	1.7	0.8	1.2	0.7	0.2	0.4	0.9	1.0	0.6	0.8	0.8
14	N mineralized	0.8	0.6	0.8	0.6	0.4	0.5	0.8	1.0	0.7	0.5	0.7
15	S Mineralized	0.7	0.8	0.7	0.5	0.3	0.2	0.8	1.1	0.6	0.6	0.6
16	N CPP	NA	1.4	0.8	0.6	0.2	0.4	0.8	0.9	0.8	0.6	0.7
17	N Evap Pond	NA	1.4	0.8	0.5	0.5	0.3	1.0	0.8	0.5	0.7	0.7
	Average of all locations by Quarter	1.0	0.9	0.8	0.6	0.3	0.4	0.9	1.0	0.6	0.8	0.7 ³
	Standard Deviation	0.6	0.2	0.2	0.1	0.1	0.1	0.2	0.2	0.3	0.6	0.1
	Approximate Range	0.3 – 2.0	0.6 – 1.4	0.4 – 1.3	0.2 – 0.9	0.1 - 0.5	0.2 - 0.7	0.5 - 1.2	0.8 - 1.4	0.2 - 1.2	0.1 - 2.8	

¹ Average based on total Radon exposure reported over entire exposure period
² Values represent the average of all 10 quarters of data received at each location
³ Value represents the average from all locations for all quarters