

January 15, 2013

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

FROM: Ron C. Linton, Project Manager **/RA/**
Uranium Recovery Licensing Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: PUBLIC MEETING SUMMARY FOR THE STRATHMORE
RESOURCES, U.S. LTD/ROCA HONDA RESOURCES LLC PRE-
SUBMISSION AUDIT FOR THE PROPOSED PEÑA RANCH
CONVENTIONAL URANIUM MILL PROJECT

On December 4 through 6, 2012, the U.S. Nuclear Regulatory Commission (NRC) held a public meeting with Strathmore Resources, U.S. Ltd/Roca Honda Resources LLC (RHR). The purpose of the meeting was to tour the proposed Peña Ranch Mill Project site and to review the draft license application for the facility prior to submission to the NRC, to identify any major acceptance or technical issues. The proposed Peña Ranch Mill Project is a conventional uranium mill located in McKinley County, New Mexico, approximately 30 miles north of Grants, New Mexico. The site tour was held on December 4, 2012, at the proposed project site, and the remainder of the public meeting was held at RHR's office in Santa Fe, New Mexico. A summary of the meeting is enclosed.

Enclosure: Meeting Summary

cc: Meeting Attendees (via email)

CONTACT: Ron Linton, FSME/DWMEP
(301) 415-7777

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MEETING SUMMARY

DATE: December 4 through 6, 2012

LOCATION: Strathmore Resources, U.S. Ltd/Roca Honda Resources LLC
Peña Ranch Mill Project Site
30 miles north of Grants, New Mexico, on State Road 509

Roca Honda Resources LLC Office
4001 Office Court Drive, Suite 102
Santa Fe, New Mexico 87507

PURPOSE: For the U.S. Nuclear Regulatory Commission staff to tour the proposed Peña Ranch Mill Project site, and to review the draft license application prior to submission to the NRC to identify any major acceptance or technical issues.

AGENDA: See Attachment 1

ATTENDEES: See Attachment 2

BACKGROUND:

On April 27, 2007, Strathmore Resources, U.S. Ltd (Strathmore) notified the U.S. Nuclear Regulatory Commission (NRC) of its intent to file an application for a conventional uranium mill located in McKinley County, New Mexico (see Agencywide Documents and Access Management System (ADAMS) ML071210268). By letters dated March 18, 2009 (ML090860029), and November 19, 2010 (ML103280185), Strathmore amended its proposed date of submission. By letter dated June 6, 2012 (ML12160A223), Roca Honda Resources LLC (RHR) (a subsidiary of Strathmore) requested that NRC conduct an audit of the Peña Ranch Mill Project application prior to submission to identify any major acceptance or technical review issues. Based on this request, the NRC conducted a site tour and an audit of the draft application on December 4 through 6, 2012.

DISCUSSION:

On Tuesday, December 4, 2012, meeting participants departed from Grants, New Mexico, to tour the proposed Peña Ranch Mill Project site. NRC staff read a meeting statement informing the participants that the meeting was a Category 1 public meeting and that the draft application review would be conducted at the Strathmore/RHR office in Santa Fe, New Mexico. The staff also informed the participants that a debriefing was scheduled for Thursday, December 6, 2012, at 12:30 pm MST at the Strathmore/RHR office. Participants were informed that the draft application would neither be available for review by the public nor become part of the meeting summary, and that no regulatory decisions would be made during the pre-submission audit. Three members of the public attended the site tour on Tuesday, December 4, 2012, and four members of the public participated in the debriefing on Thursday, December 6, 2012.

Enclosure

NRC STAFF COMMENTS:

The NRC staff reviewed RHR's draft application, composed of a Technical Report (TR), a separate Environmental Report (ER), and supporting appendices. The staff's major comments on the two reports are summarized below:

TECHNICAL REPORT

General Comments

- In general, the document contains sufficient information and details for the staff to be able to understand the proposed activities (note: this comment also applies to the ER). An example in the TR was the figure that clearly showed what RHR considers the restricted area, controlled area, and unrestricted area at the Peña Ranch Mill Project site.
- The staff found the document to be reasonably well organized and was able to locate necessary information when needed (note: this comment also applies to the ER).
- 10 CFR 40.31(h) states, "An application for a license to receive, possess, and use source material for uranium or thorium milling or byproduct material, as defined in this part, at sites formerly associated with such milling shall contain proposed written specifications relating to milling operations and the disposition of the byproduct material to achieve the requirements and objectives set forth in appendix A of this part. Each application must clearly demonstrate how the requirements and objectives set forth in appendix A of this part have been addressed. Failure to clearly demonstrate how the requirements and objectives in appendix A have been addressed shall be grounds for refusing to accept an application." It may be helpful to develop a table or checklist identifying the 10 CFR Part 40, Appendix A, criterion and where the applicable information can be found in the document. The checklist could be used to verify that all regulatory requirements have been addressed. Staff suggests that if a regulation does not apply to the site, it may be helpful to explain why it does not apply rather than not addressing it in the TR.
- Clearly identify regulatory terms and definitions from 10 CFR Part 40, Appendix A, and use them consistently throughout the document. The following terms are some examples that may apply: uppermost aquifer; capable faults; maximum credible earthquake; licensed site; point of compliance, hazardous constituents; detection monitoring program.
- To the extent possible, the document should avoid words or phrases like "potential", "under consideration", or "may" as it confuses staff on what is actually being proposed for licensing. The document should clearly identify the facilities, structures, and processes for the staff's consideration. For example, some of the figures in Chapter 3 use the word "potential" when discussing the circuit to receive ion exchange (IX) resin from nearby in situ recovery (ISR) facilities. This is not consistent with how the receipt of

IX resin is presented earlier in the document. Additionally, discussion of the IX building is not consistent within Chapter 3.

- The staff appreciates having oversized (11 x 17 inch) figures within the document. The staff understands that the intent is to have these figures highlight specific areas of the larger engineering drawings planned for submittal. However, staff is concerned that text or details on the figures may be illegible when placed into the NRC's Agencywide Documents Access and Management System (ADAMS) (note: this comment also applies to the ER). For the TR, it would be helpful to identify which engineering drawing an 11 x 17 inch figure comes from so it is easier for staff to find the full size drawing, if necessary. It would also be helpful to include figure numbers somewhere on the right side of the 11 x 17 inch figures. This would allow the staff to identify figures without having to unfold the 11 x 17 inch figures.
- Several 11 x 17 inch figures and full size engineering drawings identify locations of archaeological sites and features. Please remember to review drawings and figures prior to submittal and either: remove the information if it is not necessary for the figure or drawing, or request the proper withholding from public release for those 11 x 17 inch figures or drawings (note: this comment also applies to the ER).
- Staff identified several references to appendices where the reference did not clearly indicate if the appendix was part of the TR or ER. Staff understands that the appendices are being updated and their final location within the document may not be known yet. Staff recommends that RHR carefully review the appendix list and references to appendices to confirm they are correct prior to submission of the application. Additionally, it would be helpful if the outside covers of the appendices identified the contents. This is an important issue for the staff as being able to identify and locate information quickly can significantly improve the efficiency of the staff's review (note: this comment also applies to the ER).
- Staff suggests the applicant consider the NRC Safety Culture Policy Statement (NUREG/BR-0500, Rev. 1 (ML12355A122)) and how these principles can be implemented if the Peña Ranch Mill Project becomes licensed.

Proposed Activities Comments

- Include an organization chart or some type of graphical representation of the different corporate entities involved and percent ownership. Staff found the discussion of corporate entities in the proposed activities section confusing.
- Clearly identify the proposed license boundary for the facility prior to submission of the application. Staff was not able to identify the proposed license boundary.
- The TR identifies yellowcake production capacities of 3.8 million pounds per year from uranium ore and 3 million pounds a year from uranium laden IX resins. However, the TR does not clearly state the total amount of yellowcake production planned for the facility.

- Clearly define who owns the mineral and oil and gas rights at the Peña Ranch Mill Project site. If mineral and oil and gas rights are owned by an entity other than RHR, this may become an issue for long-term custodial care during the license termination process.

Meteorology Comments

- In TR Section 2.2, show that the annual meteorological data collected for the site is representative of long-term meteorological conditions. Staff suggests the applicant follow the guidance in NRC Regulatory Guide (RG) 3.63, “Onsite Meteorological Measurement Program for Uranium Recovery Facilities–Data Acquisition and Reporting,” and review data from the last 30 years at a nearby National Weather Service station to determine if the year in which the Peña Ranch Mill Project site data was taken can be considered a typical weather year or an outlier year.

Geology and Seismology Comments

- Presenting the TR Geology and Seismology chapter after the Hydrology chapter seems backward.
- In TR Section 2.4, several faults have been mapped onsite. The discussion in the TR and supporting information should clearly demonstrate if these are, or are not, capable faults, and why, as defined in 10 CFR Part 40, Appendix A, Criterion 4(e).
- In TR Section 2.4, earthquake analysis should be discussed in terms of capable faults and the maximum credible earthquake as defined in 10 CFR 40 Part, Appendix A, Criterion 4(e). Staff notes that NUREG-1620, “Standard Review Plan for the Review of a Reclamation Plan for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act,” contains guidance pertaining to seismicity and ground motion estimates and a discussion concerning analysis of capable faults, the maximum credible earthquake and seismic hazard analysis.
- In TR Section 2.4, clearly demonstrate that abandoned boreholes have been identified and mapped.

Hydrology Comments

- In Hydrology Section 2.3, clarify the source (RHR tests or literature or both) of the Gibson Coal hydraulic characteristics used to demonstrate it is a “significant aquitard.” 10 CFR 40, Appendix A, Criterion 5G (2), states in part, “Hydrologic parameters such as permeability may not be determined on the basis of laboratory analysis of samples alone; a sufficient amount of field testing (e.g., pump tests) must be conducted to assure actual field properties are adequately understood. Testing must be conducted to allow estimating chemi-sorption attenuation properties of underlying soil and rock.”
- The TR states the upper aquifer is Artesian. Clearly demonstrate this in TR.

- On TR page 2-61, it is stated that RHR is planning to seek authority to remove 125 acre feet per year of water for the project from the Gallup and Westwater formations. Demonstrate that these formations can support this withdrawal. Discuss any studies to support the ability to get this approved and discuss the role of the New Mexico Office of the State Engineer in this process.
- On TR page 2-117, it is stated, “The aquifer should be able to accommodate pumping at both RHR and El Segundo coal mine.” Demonstrate whether or not the aquifer can accommodate pumping at both the Peña Ranch Mill Project site and the El Segundo coal mine.
- Cross sections of site geologic units with water levels and hydraulic heads would be helpful visuals.
- Clearly discuss the hydraulic properties of the uppermost aquifer, confining layers, the next underlying aquifer, and other geologic units and how the information was obtained.
- Discuss point of compliance (POC) wells and commit to establishing POC wells as required in 10 CFR Part 40, Appendix A.

Processing Plant Design Comments

- The TR discussed secondary containment for storage tanks. However, the staff was not able to locate a discussion of other protective features that would minimize the potential for liquids from these tanks to be released from the processing buildings. These would include features such as floor seams, floor drains, and sumps.

Surface Water Comments

- The tailings impoundments and evaporation ponds do not appear to be located in floodplains. However, the staff observes that the distance between the edge of the tailings impoundments and evaporation ponds to the existing arroyos will require a thorough review.
- Staff observes that the engineering drawings and figures should clearly indicate where the different riprap sizes will be located.
- Staff is familiar with the software used for the surface water analyses. Staff recognizes that the software used is widely available and well suited to the types of analyses presented in the TR.
- Staff reviewed the grading plan for the vicinities of the tailings impoundments and evaporation ponds. The grading plan appears to indicate that some run on may enter the tailings impoundments or evaporation ponds. However, the text states that run on will be controlled and diverted away from the impoundments. The TR and drawings should clearly identify run on control features.

- Staff identified one figure that showed the extent of the drainage areas that enter the proposed Peña Ranch Mill Project site. However, the figure did not identify the size of the contributing drainage areas. Identification of the size of the contributing drainage areas would aid in the staff's review. This could be accomplished by either including the drainage area size on the existing figure or developing a new figure showing the Peña Ranch Mill Project site, the location where upstream drainages enter the site, and the size of the upstream drainage area.

Geotechnical Engineering / Design Comments

- Staff suggests that RHR include the geotechnical investigation and engineering design calculations in Chapter 4, since the proposed methods for waste disposal are already identified in that section. If this change is made, Chapter 4 would contain information on the proposed methods for waste disposal, as well as the technical details demonstrating how the regulations are met.
- Staff observes that the aspects of the facility related to geotechnical and liner system design are presented in a conceptual fashion. Staff recognizes that the design for these components of the facility is in progress. The geotechnical design for the tailings impoundments and evaporation ponds should address the following issues in sufficient detail for staff to be able to reach a regulatory decision:
 - Results of the geotechnical investigation (soil types, thicknesses, engineering properties) in the vicinity of the tailings impoundments and evaporation ponds.
 - Chemical and radiological characteristics of the waste materials.
 - Chemical resistance of the liner system when exposed to tailings or liquids generated at the Peña Ranch Mill Project site.
 - Ultraviolet resistance of the liner system.
 - Tailings properties (grain size, strength, permeability and consolidation characteristics, as well as variations in these properties).
 - Discussion of adding cement or lime to the tailings, if this is identified as a planned practice.
 - Protection of the liner system from placement of tailings (and 11e.(2) byproduct material) in evaporation ponds. RHR may want to consider performing a load test with tailings material and the proposed liner system under the anticipated load that may exist at the facility.
 - Protection of the underdrain system during initial loading or stacking of tailings, and consideration of pipe crushing and clogging.
 - Slope stability analysis, considering both static and dynamic conditions.
 - Foundation and subgrade preparation activities necessary to provide a competent base for the liner system.
 - Analysis of water flow within tailings impoundments (and evaporation ponds) when holding 11e.(2) byproduct materials, to identify the amount of drainage anticipated in the short- and long-term.
 - Freeboard and wave run up analysis for the evaporation ponds and tailings impoundments, if necessary.
 - Protection of the liner system from ice during colder months, if necessary.

- Protection of open tailings areas from wind erosion.
- Determination if tailings impoundment B is considered as a proposed activity or not.
- Staff recognizes that the TR contained several positive aspects of the proposed design. These include:
 - Plans to perform conductive spark testing after installation of the primary liner system.
 - Identification of the need to perform a wind uplift calculation.
 - Inclusion of construction specifications.
- Staff observes that the cover system design includes drainage swales. Staff has approved cover designs with swales; however, note that the language in 10 CFR Part 40, Appendix A, Criterion 4, indicates that concentration of surface flow should be minimized.
- Staff observes that the proposed final cover system has a thickness of approximately nine feet. RHR should recognize that the understanding of cover system design, function and performance is evolving. It may be beneficial to consider constructing an instrumented field-scale test cover system. This would allow for data collection and interpretation of actual site conditions and cover performance in advance of the need to design the final cover system at reclamation.
- Staff recognizes that RHR has included an ore pad design. Discussion of the ore pad design should address how the design meets 10 CFR Part 40, Appendix A, Criterion 5H.
- Staff observes that there is no discussion of blasting to remove material from the site during construction. Clearly state if blasting will be used, or not; and if not, demonstrate why it is not required for excavation. Staff notes that blasting may alter the underlying strata and would need to consider this in its analysis.

Operations Comments

- Discuss if the Peña Ranch Mill Project site is planning to accept 11e.(2) byproduct material from other Atomic Energy Act licensees, e.g., ISR facilities? If so, include a detailed discussion in the TR.

Health Physics Comments

- Staff reviewed health physics related sections in the TR to determine if they were addressed in a similar fashion to health physics sections in NRC guidance documents such as NUREG-1569, "Standard Review Plan for In Situ Leach Uranium Extraction License Applications." Staff found each section was discussed in the TR. However, a health physicist was not among the NRC staff performing the pre-submission audit; therefore, the health physics related sections of the TR were not reviewed in detail.

- Staff notes that applicants are generally expected to follow the guidance in health physics related RGs. Therefore, where health physics practices align with these guidance documents, the application should so state. Alternatively, it should be clearly stated, and a basis provided, if the applicant proposes to deviate from the established guidance. For example, staff notes that RG 8.31, "Formation Relevant to Ensuring that Occupational Radiation Exposures at Uranium Recovery Facilities Will Be as Low as Is Reasonably Achievable," suggests that daily inspections be performed by the Radiation Safety Officer. This may not always be practicable if the Radiation Safety Officer is on vacation or at training.
- Staff notes that in TR Fig 5.7-10, page 5-88, and in ER Fig 3.12-6, ER page 3-360, Air Particulates, it appears as if the monitoring locations are based on Tailing Cell A, the Evaporation Ponds and the Ore Pad. It appears Tailings Cell B was not considered in establishing sampling locations.

Quality Assurance Comments

- The TR states the Quality Assurance/Quality Control Plan is to be developed / completed and submitted for NRC review prior to pre-operational inspection; therefore, it was not reviewed during the pre-submission audit.

Decommissioning and Financial Assurance Comments

- Staff notes that 10 CFR Part 40, Appendix A, Criterion 9, was revised and the effective date of the new regulation is December 17, 2012. RHR should review the changes to Criterion 9 to determine if the proposed financial assurance instrument is still acceptable.
- Staff considers financial assurance estimates to be a critical component of the review and has cited inadequate financial assurance estimates as a reason for not accepting an application for another project for detailed technical review. The financial assurance estimate should include references or sources for all unit costs and quantities, basis for equipment efficiency rates, and basis for worker production estimates. Note also that the financial assurance estimate should be based on an independent third party performing the work.
- Staff notes that costs for the development and review of a Decommissioning Plan are not contained in the surety.
- Pre-operational monitoring should be discussed earlier in the TR. The first reference staff found on pre-operational monitoring was on TR page 8-16, Section 8.1.3.2. Section 8 of the TR refers to the pre-operational monitoring that is discussed in detail in the ER. Staff suggests that if the primary discussion of pre-operational monitoring is left in the ER, it should be referenced prominently in the TR Site Characterization section. Staff suggests a standalone section on pre-operational monitoring be placed in the TR.

- It appears the sample results for beef and elk are the same, and likely in error, in ER Table 3.12-42, page 3-409.

ENVIRONMENTAL REPORT

General Comments

- Avoid cross references to, and incorporation by reference of, sections of the TR. All required information needs to be in the ER to make it a standalone document.
- For the Environmental Impact Statement (EIS) that the NRC would prepare for the proposed project, the NRC would likely request that RHR provide copies of certain figures from the ER (e.g., in JPEG format), where possible, to be used in the EIS. It is most convenient for figures in the EIS to be presented on 8.5 x 11 inch sheets, rather than the 11 x 17 inch sheets that RHR has used for many of the figures in the ER. Thus, it would be helpful for future EIS preparation if large figures in the ER could be reduced to fit on 8.5 x 11 sheets, where possible, while still being clear and readable. Also, since hardcopies of the EIS will be printed in black and white, the information on color figures in the ER needs to also be clear, readable, and understandable when printed in black and white. (At the meeting, RHR indicated that, following submittal of the application, it would work with the NRC to provide figures in the necessary formats for the EIS.)
- Certain comments on the TR in the areas of Meteorology, Geology and Seismology, Hydrology, Surface Water Hydrology and on other aspects of the TR, may also apply to corresponding sections in the ER, and vice versa.
- Although a comprehensive reference list is provided at the end of the ER, there appears to be a general scarcity of reference citations in the text. All data and information in the ER needs to be fully supported by references. This is critical to the NRC staff's independent verification of the information presented in the ER. This is a major issue.
- The ER needs to include a list of preparers, as stated in Section 6.10 of NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs," (NUREG-1748).

Introduction - Proposed Action Comments

- The site location needs to be expressed in terms of distances from towns or other permanent features, rather than as the driving directions to it.
- More correctly than presently expressed in the ER, the proposed action is to construct, operate, and decommission a uranium mill that will involve conventional acid leach milling and solvent extraction to separate uranium from ore transported to the project site. In addition, the statement of the proposed action needs to include the processing of toll resins from regional ISR mines and the means by which that will be accomplished at the proposed facility (i.e., the IX circuit), if this operation is also to be included in the proposed action.

- The ER should include mention of the maximum total annual yellowcake production from milling uranium ore and from the ISR circuit (if included in the proposed action), both individually and combined, to provide more complete information on the proposed production capacity and as a basis, in part, for the licensed yellowcake production capacity of the proposed facility. This information appears to be in ER Section 1.2 (Purpose and Need for the Proposed Action) and should be moved to ER Section 1.1 (Introduction).

Purpose and Need for the Proposed Action Comments

- ER Section 1.2, as presently written, includes some extraneous information, and confuses Purpose with Need to some extent. See Supplements 1 – 4 to NUREG-1910, “Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities” (hereinafter referred to as the “GEIS”), for examples of appropriate purpose and need discussions. Supplement 4 (“Environmental Impact Statement for the Dewey-Burdock Project in Custer and Fall River Counties, South Dakota: Supplement to the Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities - Draft Report for Comment”), Section 1.3, provides the most recent example.

Applicable Regulatory Requirements, Permits, and Required Consultations Comments

- Regarding the U.S. Army Corps of Engineers (USACE) Section 404 Permit, it is unclear whether or not this permit is actually needed for the proposed project, and RHR should conduct discussions with the USACE to obtain further information on this matter and present the results of these discussions in the ER. Note also that the USACE may need to prepare National Environmental Policy Act (NEPA) documents in association with certain Section 404 permits; and whether or not this may be a requirement for the proposed Peña Ranch Mill Project needs to be known as soon as possible. If the USACE would require a NEPA document for the Section 404 permit for the proposed project, they may request cooperating agency status, or some other level of participation, on the NRC’s EIS, which could adversely affect the NRC’s EIS schedule. Furthermore, the NRC would not be able to issue a license for the proposed Peña Ranch Mill Project until the Section 404 permit, if required, is obtained by RHR. Thus, it is recommended that any action by RHR regarding a Section 404 permit should be accelerated.
- The ER also needs to identify the need for other USACE permits, such as Nationwide Permits for arroyo crossings, if such permits are in fact required. RHR should coordinate with the USACE to determine the need for these permits as well.
- The discussion regarding National Historic Preservation Act Section 106 consultation in ER Section 1.4 is inaccurate. (Note that the discussion of the Section 106 review process in ER Section 3.8.3.3 is accurate, so the inconsistency in the ER needs to be remedied.) The Section 106 consultation process would be conducted by the NRC, as the lead Federal agency for the project. Upon acceptance of the application, the NRC staff will initiate the process, consulting with the New Mexico State Historic Preservation

Office (SHPO) and appropriate Native American tribes. Other State agencies typically are not included in this consultation process. Note that the Section 106 process must be completed before a license for the project can be issued by the NRC.

- The ER neglects to mention the requirement for Section 7 consultation under the Endangered Species Act. Upon acceptance of the application, the NRC would also initiate this process, consulting with the U.S. Fish and Wildlife Service (USFWS) to obtain information on threatened and endangered (T&E) species and critical habitats, if any, for the EIS. Further consultation with the USFWS may be necessary if any T&E species or their habitats are determined to be present and adversely affected by the proposed project. The NRC would also coordinate with appropriate State resource agencies (e.g., New Mexico Department of Game and Fish), as necessary. If not already done, RHR should also coordinate with the USFWS and appropriate State resource agencies to obtain or verify information for the ecological resource sections of the ER, and identify any agency requirements associated with Federal- and State-listed T&E species and other wildlife and vegetation.

Alternatives - Proposed Action (Alternative 1) Comments

- ER Section 2.1 (Proposed Action (Alternative 1)) would greatly benefit from an introduction that lists and briefly describes the components of the proposed project, which are described in more detail in subsequent subsections. This should include, but not be limited to, a list of all buildings and structures, with brief descriptions of the purpose and function of each.
- In general, RHR should be absolutely clear on what is and what is not included for licensing in this application, and should avoid mentioning components that are not included in the present application but may be included in applications for future license amendments. Examples of this include, but may not be limited to, an ISR circuit, annual yellowcake production from both uranium milling and also the ISR circuit (if included in the proposed action), and Tailings Cell B. If it is RHR's desire to include an ISR circuit and/or Tailings Cell B for licensing in its application, then complete information for either or both of those facilities needs to be included in the ER. Presently, little or no information is included in the ER on the ISR circuit or Tailings Cell B.
- ER Section 2.1.4 (Site Location and Layout) mentions the information on the Northern New Mexico Uranium Milling Region in Section 3.5 of the GEIS, and incorporates that information into the ER by reference. The information in ER Section 3.5 of the GEIS is extremely lengthy and provides much more detail than is needed for Section 2.1.4 of the ER. Thus, the mention of incorporation by reference of GEIS Section 3.5 here is confusing because it would essentially introduce much extraneous information to ER Section 2.1.4.

Applicable information from Section 3.5 of the GEIS would appropriately be included in Section 3.0 (DESCRIPTION OF THE AFFECTED ENVIRONMENT) of the ER. However, since the GEIS is for ISR facilities and not for conventional uranium mills such as the proposed Peña Ranch Mill Project, Section 3.5 of the GEIS contains much

information applicable to ISR projects that may not be applicable to conventional mills. Therefore, incorporation of this information by reference in the Peña Ranch Mill Project ER would cause further confusion in ER Section 3.0. Also, although it is appropriate to reference, and tier off, the GEIS in applicant ERs and NRC Supplemental EISs for ISR projects, this should not be done for non-ISR projects, such as conventional uranium mills. It would be most convenient for the NRC reviewers if the ER directly includes only applicable information from the GEIS rather than incorporating entire sections by reference.

- In ER Section 2.1.8 (Construction Activities) and associated subsections, the ER should include information on estimated amounts of soil to be stripped, excavated, etc., where possible, to provide an indication of the extent and potential environmental impacts of earthmoving activities and impacts on soils at the various locations where these activities are to be conducted and where soils will be moved.

In addition, the ER needs to include more information on the excavation and structural fills stockpiles (ER Section 2.1.8.3.3), e.g., estimated quantities of soil to be stockpiled, sizing of fill areas, grading/slopes, etc., to provide some basis for impact assessment; the detailed soils information in ER Section 2.1.8.4.6 more appropriately belongs in ER Section 3.3.2.1 (Soils Data); information on excavations for buildings, structures, equipment, etc., needs to be included; and it would be helpful if a brief description of each of the facilities listed in ER Section 2.1.9.7 (Ancillary Facilities) would be included.

Alternatives Considered But Eliminated Comments

- In ER Section 2.4.1 (Site Location Alternatives), a much stronger basis and justification for RHR's site selection and evaluation process needs to be included. In conjunction with that, note that the reasons given for elimination of the BHP Billiton Mill Site (ER Section 2.4.1.1), Rio Grande Resources Site (ER Section 2.4.1.2), and Neutron Marquez Property (ER Section 2.4.1.3) are inadequate. There needs to be considerable reasoning presented on the site elimination considerations, in lieu of the present statement that "RHR's schedule precludes further investigation of the site," and the reasons for selection of the Peña Ranch site over the other sites should be discussed. Also, the discussion for the Property near RHR Mine Site (ER Section 2.4.1.4) identifies no specific site or sites, and the reasons for elimination are unsupported. In particular, ER Section 2.4.1 needs to include sufficient information provided on the site selection process for a determination that none of the sites are environmentally preferable over the preferred Peña Ranch Site, although the discussion should not be limited to only this.
- ER Section 2.4.2.1 (Alternative A - Below Grade Disposal (Selected Alternative)) should not be included here because it is already part of the proposed action. That can be mentioned in the introductory paragraph of ER Section 2.4.2, and the other two tailings management alternatives can then be compared to that.

- In ER Section 2.4.3 (Uranium Extraction Technology Alternatives), the reason for elimination of In Situ Recovery needs to be related to the preferred project site because ISR could be feasible at other sites.
- Since the RHR mine has not yet been permitted and, therefore, may or may not exist in the future, and because the proposed Peña Ranch Mill could conceivably accept ore from other mines, ER Section 2.4.4 (Ore Transport to Other Mills) requires further thought and expanded discussion.

Land Use Comments

- As indicated in an earlier comment, Section 3.5 of the GEIS should not be incorporated by reference in ER Section 3.1 (Land Use), and only relevant information from GEIS Section 3.5 should instead be included in the ER.

Transportation Comments

- In ER Section 3.2.2.1 (Traffic Levels and Patterns), current level of service (LOS) on the various roads should also be discussed and data provided; and in ER Section 4.2 (Transportation Impacts), potential impacts on LOS need to be addressed for construction, operation, and decommissioning.
- Transportation accident impacts (ER Section 4.2.1.4 Vehicular Crashes and ER Section 4.2.1.5 Transportation Risks) need to be separately evaluated for the construction, operation, and decommissioning phases. Further, the analyses of potential radiological impacts of routine transportation and of potential radiological and non-radiological impacts of transportation accidents are inadequate or nonexistent, and quantitative analyses need to be performed. The RADTRAN code may need to be used to evaluate radiological consequences. See the transportation analysis in Section 4.2.9 and Appendix D of NUREG-1945, "Environmental Impact Statement for the Proposed Eagle Rock Enrichment Facility in Bonneville County, Idaho" (NUREG-1945), for example. Some information on transportation accidents appears to be included in ER Section 4.12 (Public and Occupational Health and Safety Impacts) and in ER Section 4.12.1.2.3.2 (Transportation Accidents), but more appropriately belongs in ER Section 4.2, with additional analysis needed as discussed above.

Geology and Soils Comments

- Contrary to the conclusion in ER Section 4.3 (Geology and Soils Impacts), potential impacts to soils from construction of the proposed action may not be small, considering the large quantities of soil that will be excavated and moved to, and stockpiled on, different parts of the site. This goes back to the earlier comment on ER Section 2.1.8 (Construction Activities), to include information on estimated amounts of soil to be stripped, excavated, etc., to provide an indication of the extent and potential environmental impacts of earthmoving activities and impacts to soils at the various locations where these activities are to be conducted and where soils will be moved. The

necessary additional information needs to be provided and the potential impacts to soils need to be re-evaluated.

- Potential impacts on mineral resources need to be discussed for Alternatives 1 and 3.

Groundwater Comments

- The concept of phased construction identified in ER Section 4.4.2.1.1 (Construction Impacts) (i.e., “Phase 1 Site development”) does not appear to have been mentioned elsewhere in the ER. If this concept is to be included, it should be initially discussed in ER Section 2.1 (Proposed Action (Alternative 1)) and used consistently throughout the document. If this concept is used in the TR, then it should also be used in the ER.

Ecological Resources Comments

- The information in ER Section 3.5.2.4.1.4 (Pasture Condition Scores) might more appropriately be included in ER Section 3.1 (Land Use).
- ER Table 3.5-11 (Federal and State Listed Species for McKinley County) needs to clearly distinguish between the Federal and State listings.

Meteorology, Climatology, and Air Quality Comments

- To the extent possible, please update ER Section 3.6 (Meteorology, Climatology, and Air Quality) with the most recently available data prior to application submittal to the NRC.

Noise Comments

- In ER Section 3.7.4 (Existing Conditions), it is stated, “Noise measurements are not available for the Local Area of the Site.” It is further stated, “...the existing average ambient noise levels at the site are expected to be in the range of 35 to 45 dBa for day and night conditions.” The latter statement needs to be supported by a reference citation or citations.

Historic and Cultural Resources Comments

- Copies of the reports on all cultural resource surveys conducted for the proposed project need to be provided to the NRC as part of RHR’s license application. These reports were not included in the present version of the ER. When submitted, RHR should request that the NRC withhold these reports from public release if they contain sensitive information on the specific locations of historic, cultural, or paleontological sites.
- As a basis for the cultural surveys and the discussions in ER Section 3.8 (Cultural Resources) and later in ER Section 4.8 (Historical, Cultural, and Paleontological Impacts), the Area of Potential Effect (APE) for the proposed project needs to be specifically identified and justified.

- The discussion on construction impacts in ER Section 4.8.1.1 indicates that direct impacts to a number of archaeological sites are anticipated during construction. The specific impacts to these sites need to be identified in this section. Also, there appears to be some inconsistency in the discussion with regard to the number of archaeological sites that will be impacted by the project. ER Section 4.8.1.1 identifies six sites that would be directly impacted while ER Sections 4.8.4.1 and 4.8.4.2 identify a total of eight sites (including the six identified in ER Section 4.8.1.1) that may require mitigation. This inconsistency needs to be reconciled in the revised ER.
- ER Section 4.8.1.1 further states, “RHR will conduct the necessary testing to determine [the archaeological sites’] significance and subsequently work with State and Federal authorities to determine their final disposition.” RHR needs to expeditiously conduct the additional testing and coordination for the archaeological sites potentially eligible for inclusion in the National Register of Historic Places (NRHP), recommend their eligibility for listing, and submit the necessary cultural resource survey reports and documentation to the NRC. Applicants for NRC materials licenses have frequently submitted complete cultural resources information with their initial applications. This information for the proposed Peña Ranch Mill Project will be needed for the NRC’s Draft EIS, as well as for the Section 106 review process that the NRC will conduct, including consultations with the SHPO, Native American tribes, and possible other parties, involving, in part, reviews and discussions of the results of RHR’s cultural resources investigations. As part of the Section 106 process, it is likely that the NRC will need to develop a Programmatic Agreement (PA) or Memorandum of Agreement (MOA) with the SHPO, RHR, and possible other parties (such as Native American tribes), to address the mitigation of any adverse impacts to archaeological sites listed or eligible for listing in the NRHP and potential unanticipated discoveries of additional archaeological sites or human remains during construction, operation, and decommissioning of the proposed facility. The PA or MOA must be completed and fully executed in order to complete the Section 106 process; and this must be done before the NRC can issue a license for the proposed facility. Thus, it is recommended that RHR accelerate its cultural resource investigation activities.

Socioeconomics Comments

- In ER Section 3.10 (Socioeconomic Conditions), justification needs to be provided for including only McKinley and Cibola Counties in the study area. Is this study area the same as what is more commonly referred to in socioeconomic analyses as the “region of influence” (ROI)? Is it possible that the ROI might extend to other counties outside the 50-mile APE radius? Also, for purposes of the socioeconomic analysis, the “Local Area of the Site” needs to be specifically defined (i.e., within what radius of the Site). From the discussion in the ER, that could be five miles, but it’s not clear.

Public and Occupational Health Comments

- In ER Section 3.12.2 (Public Health and Safety), the relevance of reporting maximum doses to offsite receptors from GEIS for proposed ISR facilities located in Wyoming is unclear.

- A discussion of baseline non-radiological conditions needs to be added to ER Section 3.12 (Public and Occupational Health and Safety).
- The discussions of radiological and nonradiological exposures in ER Section 3.12.3 (Occupational Health and Safety) appear to inappropriately focus largely on potential health and safety impacts to uranium mill workers. The discussion in this section should relate to existing (baseline) conditions at the proposed project site, and the information on potential impacts should be presented in ER Section 4.12 on potential Public and Occupational Health and Safety Impacts of the proposed mill project.
- ER Section 4.12.1.1 (Construction Impacts) references the conclusion in the GEIS regarding construction impacts of the proposed action, and states that although the conclusion in the GEIS was for ISR facilities, construction impacts will be similar for a conventional mill. Again, since the GEIS is for ISR facilities, it may not be applicable to the proposed conventional uranium mill; and any conclusions in this ER need to be based on site specific analyses. Further, the extent of construction activities for the proposed Peña Ranch conventional uranium mill would likely be considerably greater than for many ISR facilities due to the significant earthmoving activities proposed for the site. Thus, the analysis of construction impacts in the ER is presently inadequate.
- Since the proposed facility will be located very close to the highway (State Road 509), potential impacts to users of this road, in particular frequent users, should be addressed for construction, operation, and decommissioning.

Waste Management Comments

- Since there will be some wastes disposed of at offsite locations, the locations and availability of waste disposal capacity for these wastes should be discussed in ER Section 3.13 (Waste Management).
- ER Section 4.13 (Waste Management Impacts) briefly discusses types, and to some extent quantities, of wastes anticipated to be generated during construction, operation, and decommissioning, but neglects to discuss the potential impacts associated with the management of these wastes. See Section 6.4.13 of NUREG-1748, for examples of what this section of the ER should include.

Accident Impacts Comments

- As indicated in the introduction to Section 5.4 (Environmental Impacts) of NUREG-1748, the ER should also consider the potential environmental impacts of reasonably foreseeable accidents. This is not addressed in the present version of the ER, and could be based on accidents identified in the TR. The information RHR provides in the section on potential environmental impacts of accidents should be suitable for public release.

Mitigation Measures Comments

- In ER Section 4.0 (ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES) for each resource area, it will be necessary to specifically identify those mitigation measures for construction, operation, and decommissioning impacts, rather than listing them all together as is presently the case. It would also be very helpful if the mitigation measures could also be summarized in a table at the end of ER Section 4.0. If it would be more convenient to do so, it would be acceptable to use a summary table in lieu of the bulleted lists of mitigation measures in each resource area section, as long as the same level of detail in describing the mitigation measures is maintained.
- Although not necessarily inadequate in the present version of the ER, it is requested that RHR please be sure to take a hard look at the mitigation measures that have been identified and make modifications and additions as necessary to adequately mitigate impacts associated with the proposed conventional uranium mill project, to reduce impacts to the maximum extent practicable. As indicated in Section 5.5 of NUREG-1748, “All relevant, reasonable mitigation measures that could improve the project should be identified.”
- Mitigation measures for potential environmental impacts of the Reasonable Alternative (Alternative 3) should also be identified, although these would be expected to be the same as those for the proposed action for the most part. Since the mitigation measures for Alternatives 1 and 3 would be very similar, RHR only needs to identify any differing or additional mitigation measures for Alternative 3.

Cumulative Impacts Comments

- It would be useful if ER Figure 5.0-1 could be modified to show the locations of all of the identified past, present, and reasonably foreseeable future projects in relation to the proposed mill site, not just mines.
- The cumulative impact discussions by resource area in ER Section 5.3 (Cumulative Effects of the Proposed Action) need to be modified somewhat to specifically address “the impact on the environment which results from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions” (see 40 CFR 1508.7 and the Council on Environmental Quality’s guidance in “Considering Cumulative Effects Under the National Environmental Policy Act”). The present discussions address cumulative effects from the opposite standpoint, i.e., in terms of the cumulative impacts that other past, present, and reasonably foreseeable future projects have or would have on each resource.
- The cumulative impacts analysis in ER Section 5.3.8 (Historic, Cultural and Paleontological Resources) needs to consider historic and cultural resources that have been destroyed or otherwise impacted by other past, present, and reasonably foreseeable projects in the area.

- The cumulative impacts analyses in ER Section 5.3.10 (Socioeconomics), ER Section 5.3.11 (Environmental Justice), and ER Section 5.3.12 (Public and Occupational Health and Safety Impacts) appear quite superficial and would benefit from additional work.

Summary of Environmental Consequences Comments

- In ER Section 8.0 (SUMMARY OF ENVIRONMENTAL CONSEQUENCES), although the Summary of Impacts for the Proposed Action in ER Table 8.0-1 is very useful and should remain in the ER, it does not clearly provide a breakdown of the potential impacts into the categories of (a) unavoidable adverse environmental impacts; (b) irreversible and irretrievable commitments of resources used in project construction, operation, and decommissioning; and (c) short- and long-term impacts. Also, the summary table does not specifically address short-term uses of the environment and the maintenance and enhancement of long term productivity. The discussion of these items may be presented in a relatively concise manner in the text of Section 8.0; see recent NRC EISs for examples (e.g., NUREG-1945).

PUBLIC QUESTIONS AND COMMENTS:

Following a discussion of the staff's comments at the debriefing on Thursday, December 6, the public was invited to ask questions and make comments. Questions and comments provided by members of the public are identified below.

Questions and Comments from Ms. Laura Watchempino

- Is there a relationship between yellowcake production and amount of tailings generated?
- Is it possible to show the drainage from the continental divide?
- Will there be emergency procedures for members of the public to know when areas near the site (e.g., State Road 509) should be avoided (during high winds, storms, etc.)?
- How much water is needed for the milling operation?
- Will an emergency discharge permit be needed for liquids leaving the tailings impoundments or evaporation ponds?
- Is the NRC staff aware of the alternative technologies identified at the Homestake site? Staff stated that they are aware of these technologies, and that they are for cover designs.

Questions and Comments from Mr. Petuuche Gilbert

- Would an application for water rights be made through the State Engineer's office? RHR responded that this application would be made.
- Does the NRC staff have a projection for a timeframe for completion of its licensing action? Staff stated that the project would require preparation of an Environmental Impact Statement (EIS) and that the licensing process would take between 30 and 36 months.
- Does evaluation of cultural resources go beyond Section 24? Staff responded that NRC will initiate the Section 106 process after acceptance of application, which will include

consultations with the New Mexico State Historic Preservation Officer (SHPO) and Native American tribes.

- Mr. Gilbert requested that future meetings be held closer to the site (i.e., in Grants, New Mexico). Staff responded that future meetings would be held closer to site.
- Mr. Gilbert asked about the NRC's encouragement of public involvement. Staff described the public involvement process that would be implemented for the EIS, including public meetings and opportunities to comment on the project.
- Is the NRC aware of the New Mexico's and EPA Region VI five-year review plan for the Grants Mining District? Staff responded that it is aware of this plan.

Questions and Comments from Mr. Paul Robinson

Most of these comments and questions were asked in rapid succession and NRC staff did not respond to them individually.

- NRC RGs cited are old. Is updated guidance available?
- Regarding the September 13, 2012 economic assessment NI 43-101 filing, aspects of the project that RHR mentioned are not consistent with that report. The report should be addressed in the ER.
- Evaluation of covers at 11 Title II tailings sites is available in ADAMS.
- A number of alternatives come to mind that could be considered, e.g., several large pits being dug in the area that may provide better disposal options and isolation (e.g., El Segundo)
- Heap leach recovery (as proposed for Gas Hills) and ISR are potential recovery methods. Why are these methods not proposed?
- Regarding fully below grade disposal, several people would like to see this for Churchrock and Homestake. Is a regional repository a reasonable option? Why is it not considered?
- The proposed facility assumes continuous operation from startup to reclamation. This is not typically observed in practice. Start and stop like at White Mesa and Shootaring Canyon is usually seen. How long for standby?
- Will full, legible electronic versions of the documents be posted? Staff stated these would be posted in ADAMS.
- A Roca Honda partner is not a domestic company. Will an export license be required?
- One year of representative data – sites should be comparable, not convenient.
- Earthquakes in southern Colorado and northern New Mexico resulting from fracking should be addressed.
- Is aquifer testing needed?
- Would the Commission require water rights to be in place prior to application or prior to issuance of license?
- Hydrologic cross sections need to show vertical exaggeration; it is difficult to tell what is going on in the first several hundred feet.
- Regarding 11e.(2) material, what about an option for receiving alternative feeds? This should be addressed as RHR sees as appropriate.
- Ore stockpiles at White Mesa are located next to a parking lot with no mitigation measures. Placement and management of ore stockpiles to prevent releases is important.

- In addition to the changes to Criterion 9, is there an update list or other tool that is used to advise the public of the most recent changes to 10 CFR Part 40, Appendix A?
- IX resin elution is provocative; others are interested as well.
- There is an electrical leak detection method (continuous leak detection attached to bottom and top of the liner) that is an innovative technology worth considering. Real time continuous data may be valuable.
- Need to provide protection below the liner and on the surface of the liner. Liners are more vulnerable if left exposed (125 years for buried liner does not meet the 1000 year period identified in 10 CFR Part 40, Appendix A, Criterion 6). This should be addressed in the ER and EIS.
- A Liner test would be valuable and confidence building.
- The New Mexico Environment Department typically requests the ability to observe liner installation and seam placement. Should provide notice of the opportunity for this phase of construction to be observed.
- Regarding 8.5 x 11 inch vs. 11 x 17 inch figures, adequate resolution is more important than size of original. Quality is very important.
- The waybackmachine.org website keeps old webpages available.
- It would be good to include RHR's reference package in ADAMS.
- The proposed action statement should reflect the company's proposal.
- NRC cannot issue the license until the Section 404 permit is issued.
- Revegetation of soil stockpiles resulting from excavation should include more than a seed mix. Need to see performance measures and biodiversity. The result is improved stockpile management during operations and placement.
- South Chacoan road that runs from Chaco complex to San Mateo crosses El Segundo and State Road 509 somewhere. This is part of the regional characteristics.
- The purpose of the commodity is to generate energy. There are other opportunities to produce energy from the 645-acre site, e.g., solar panels (6.25 acres per megawatt) instead of uranium milling. Someone could be generating power at the site. This is being done at some former uranium facilities in Germany. There are other ways to generate energy at the site without having to produce uranium. Post reclamation use can include generation.
- Department of Energy, Energy Information Agency lists existing licenses for conventional and in situ uranium recovery, about 10,000 tons of licensed capacity. NRC lists new applications and license amendments. Licensed capacity should be part of the cumulative impacts assessment and relates to need (as in purpose and need).
- What is the sequence and timeframe, from pre-submission audit to filing to notice, to EIS to Record of Decision? A good graphic is needed to represent the sequence from pre-submission to licensing decision. Staff responded that a schedule for the project would be posted in the NRC website.
- Staff should include the licensing process outline in the meeting summary.
- Make sure there is good notice of opportunity for hearing.
- There should be a public meeting to summarize the application as received.

ACTION ITEMS: None

ATTACHMENTS:

1. Agenda
2. List of Attendees
3. Meeting Statement

**Roca Honda Resources, LLC
Peña Ranch Conventional Mill Facility
Site Visit and Pre-Submission Application Review
December 3 – 5, 2012
Grants and Santa Fe, New Mexico**

AGENDA

December 3, 2012

Time	Topic	Lead
7:00 am	Meet at Red Lion Hotel, Grants, NM	NA
8:00 am	Arrive at Peña Ranch for Site Tour	All
10:00 pm	Drive to Strathmore Minerals Office in Santa Fe, NM	All
1:00 pm	Begin Application Audit	NRC Staff
4:00pm	Adjourn for Day	

December 4, 2012

Time	Topic	Lead
8:00 am	Application Review	NRC Staff
5:00 pm	Adjourn	

December 5, 2012

Time	Topic	Lead
8:00 am	Application Review	NRC Staff
12:30 pm	Review Debrief	NRC Staff
2:30 pm	Opportunity for Questions from Public	NA
3:00 pm	Meeting Closed	NA



MEETING ATTENDEES

Topic: Meeting with Roca Honda Resources LLC for Site Visit and Pre-Submission Audit for the Proposed Peña Ranch Conventional Uranium Mill

Meeting Purpose: Site visit and tour

Date: December 4, 2012

NAME	AFFILIATION
Ron Linton	NRC
Doug Mandeville	NRC
Stephen Lemont	NRC
Andrea Antillon	RHR
Dan Kapostasy	RHR
Juan Velasquez	RHR
Kelly Peil	RHR
Daniel Leandri	Pennoni Associates, Inc.
Paul Robinson	Southwest Research and Information Center
Petuuche Gilbert	Multicultural Alliance for a Safe Environment
Robert Tohe	Sierra Club



MEETING ATTENDEES

Topic: Meeting with Roca Honda Resources LLC for Site Visit and Pre-Submission Audit for the Proposed Peña Ranch Conventional Uranium Mill

Meeting Purpose: Debriefing by NRC staff on pre-submission audit

Date: December 6, 2012

NAME	AFFILIATION
Ron Linton	NRC
Steve Brown	SENES
Maryann Wasiolek	HAI
Stephen Lemont	NRC
Daniel Leandri	Pennoni Associates, Inc.
Darrell Liles	SENES
Kelly Peil	RHR
Dan Kapostasy	RHR
Paul Robinson	Southwest Research and Information Center
Juan Velasquez	RHR
Laura Watchempino	Multicultural Alliance for a Safe Environment
Rick Karlson	Uranium Resources
John Riedy	RHR
Stephen Cohen*	NRC
Petuuche Gilbert	Multicultural Alliance for a Safe Environment
Andrea Antillon	RHR
Doug Mandeville	NRC
Sarah Fields*	Uranium Watch
Mike Neumann*	Uranium Resources
Matt Hartman*	Uranium Resources

*attended by phone

MEETING STATEMENT

This is an open meeting, held at the request of Roca Honda Resources LLC, a potential United Nuclear Regulatory Commission (NRC) applicant, for the purpose of discussing its proposed Peña Ranch Mill Project in the State of New Mexico.

The meeting was publically noticed November 13, 2012, on NRC's public website.

The purpose of this meeting is to familiarize the NRC staff with the proposed Peña Ranch Conventional Mill facility and to audit the application prior to submission to identify any major acceptance or technical review issues.

No regulatory decisions will be made during this pre-submission audit.

Members of the public may attend the site tour and observe the application audit. However, members of the public will not be allowed to view the application itself, as it is a pre-submission document. Questions from the public will be solicited by NRC staff at various times during the site visit, as time permits. Questions from the public will be solicited by NRC staff at the end of the pre-submission audit meeting. Representatives of the licensee are encouraged but not required to answer questions directed to them by members of the public.

A report of this meeting will be prepared by NRC staff and this report will be placed in the docket file in the main and local public documents rooms. The Peña Ranch Mill Project application will not become part of the meeting summary, because the application will not be distributed to meeting attendees or removed from the premises by meeting attendees.

The meeting report will include a summary of discussion topics and a list of action items with agreed upon due dates. At the close of the meeting, we will review the list of action items, responsible parties, and due dates to ensure agreement has been reached and there are no misunderstandings.

Our goal is to have the meeting report completed within thirty (30) working days.