

## StrataRossLAPem Resource

---

**From:** Saxton, John  
**Sent:** Monday, February 25, 2013 1:13 PM  
**To:** Mike Griffin; Ben Schiffer  
**Cc:** StrataRossLA Resource  
**Subject:** RE: Staff's Responses to Strata's Comments on the Ross Second Draft  
**Attachments:** text for 3rd draft license - rev 2a.pdf

Mike,

Sorry – I learned a limitation on Excel – Column height is limited to 409

John

---

**From:** Mike Griffin [<mailto:MGriffin@stratawyo.com>]  
**Sent:** Monday, February 25, 2013 12:54 PM  
**To:** Saxton, John; Ben Schiffer  
**Cc:** StrataRossLA Resource  
**Subject:** RE: Staff's Responses to Strata's Comments on the Ross Second Draft

Hi John:

It appears that the staff response on LC 10.6 may be cut off in mid-sentence. Would you please check that and confirm?

Thanks  
Mike

Mike Griffin  
Vice President, Permitting, Regulatory and Environmental Compliance  
Strata Energy Inc.  
P.O. Box 2318  
1900 W Warlow Dr, Bldg A  
Gillette, WY 82717  
W 307-686-4066  
C 307-257-3033  
[mgriffin@stratawyo.com](mailto:mgriffin@stratawyo.com)



---

**From:** Saxton, John [<mailto:John.Saxton@nrc.gov>]  
**Sent:** Monday, February 25, 2013 10:38 AM  
**To:** Ben Schiffer  
**Cc:** Mike Griffin; StrataRossLA Resource  
**Subject:** Staff's Responses to Strata's Comments on the Ross Second Draft

Ben and Mike,

This email serves as staff's responses to your submittals last week regarding the draft license conditions for the Ross ISR Project.

Thanks

John

**Hearing Identifier:** StrataEnergyRoss\_LA\_Public  
**Email Number:** 374

**Mail Envelope Properties** (36CF286628C20846A68047F246323309DF7F8E5323)

**Subject:** RE: Staff's Responses to Strata's Comments on the Ross Second Draft  
**Sent Date:** 2/25/2013 1:13:12 PM  
**Received Date:** 2/25/2013 1:13:13 PM  
**From:** Saxton, John

**Created By:** John.Saxton@nrc.gov

**Recipients:**

"StrataRossLA Resource" <StrataRossLA.Resource@nrc.gov>

Tracking Status: None

"Mike Griffin" <MGriffin@stratawyo.com>

Tracking Status: None

"Ben Schiffer" <bschiffer@wwcengineering.com>

Tracking Status: None

**Post Office:** HQCLSTR02.nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	1281	2/25/2013 1:13:13 PM
text for 3rd draft license - rev 2a.pdf		65530
image001.jpg	8176	

**Options**

**Priority:** Standard

**Return Notification:** No

**Reply Requested:** No

**Sensitivity:** Normal

**Expiration Date:**

**Recipients Received:**

License Condition	Summary of Applicant's Request	Staff's Response	Staff's Proposed License Condition
9.2	The applicant requests that the word "would" be removed from the license condition. The applicant commits to replacing "would" with "will" or "shall" in the Technical Report for instances denoting a commitment. The applicant notes that the vast majority of instances the use of "would" in the technical Report is not associated with a commitment. Furthermore, the applicant states recently approved license does not include "would" in a similar license condition.	<p>The applicant is right about including the word "would" in the prior licenses. However, this language was added as a result of a review of the applicant's commitments based on language in the application. Staff found that the application contains 13 "shall"s, 2608 "will"s and 479 "would"s, not counting use of the specified words in the application appendices.</p> <p>Staff will accept the applicant's commitment; however, due to the vagueness of "instances denoting a commitment", staff will require that the application be revised prior to staff completing the final SER or staff will include another license condition that the application is submitted for staff's review and verification prior to the prestart inspection.</p>	No Change from the Second Draft.
9.4	In section (D), the reference to "paragraph 2.3.1" is incorrect; the correct reference is "paragraph 2.4"	Staff agrees	See attached draft license
9.6	In the fourth paragraph, remove a redundant sentence "The licensee shall submit to the NRC for review and written verification a contamination control program" and/or revise to the language in the first draft.	Staff agrees with respect to removing the redundant sentence. Staff disagrees with revising to the language in the first draft. As was noted in the first draft, the draft license had not undergone reviews by OGC or senior management. The intent of staff is to improve the language in licenses as well as making the language as consistent as possible. In doing so, revisions will develop after existing licenses are issued. Existing licenses will be modified to the new language either by amendment or renewal; however, staff cannot summarily change license conditions during a period that a license is in effect except if a condition arises that warrants a change. Therefore, the arguments for the first draft or are not in several existing licenses, by themselves, do not carry sufficient weight.	See attached draft license
10.6	The restoration stability monitoring paragraph of this license condition is new since the first draft and includes requirements not consistent with the application. Staff uses terms that are not defined (e.g., "statistically significant trend" and "constituents of concern"), and that the language would preclude and possibly hinder the restoration as proposed in the application.	<p>First, among other venues, staff informed the industry in a workshop in Denver on January 2010 what was expected for a statistical analysis.</p> <p>Second, a guidance, as suggested by staff, includes: Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities: Unified Guidance, Office of Resource Conservation and Recovery, U.S. Environmental Protection Agency, March 2009, EPA-530-R-09-007.</p> <p>Third, the applicant has the option to decide which wells to use to demonstrate restoration success; however, consistent with guidance in NUREG-1569, staff will require those wells used to define baseline as those used to measure restoration success.</p> <p>Fourth, The requirement for statistically significant increasing trends does not preclude modeling. However, if a "mean" value is used for the model, the applicant will be required to demonstrate that the mean value is appropriate. One method would be to demonstrate that the increasing trend can be replicated by the model.</p> <p>Finally, relevant standard can be applied to ACLs. Staff will entertain the suggestion to remove the ending phrase "which would lead to an exceedence of the relevant standard in 10 CFR Part 40, Appendix A, Criterion 5B(5)" if the applicant wishes a more stringent license condition.</p>	See attached draft license
10.6	Delete new paragraph starting with "Notwithstanding the LC 9.4"	Staff agrees	See attached draft license
10.8	Revised job titles to reflect the applicant's corporate organization.	Staff agrees	See attached draft license
10.13	Replacing "well package" with "wellfield package".	Staff agrees	See attached draft license
10.18	Add "and" after the third (as revised)	Staff agrees	See attached draft license
11.1 D)	Remove 60 day submittal requirement	10 CFR 40.65(a)(1)	
11.1 E)	Remove "This report shall be made available for inspection upon request."	Staff agrees	See attached draft license
11.1 F)	Remove 60 day submittal requirement	Increase to 90 days	See attached draft license
11.2	Remove 60 day submittal requirement	Increase to 90 days	See attached draft license

11.5	Revise starting time frame from initial detection to initial confirmation	Staff agrees	See attached draft license
11.5	Add LC before 9.3	Staff agrees	See attached draft license
12.7	Remove Paragraph C); Applicant states that staff agreed with the applicant that the program is provided in Section 5.7.7.1.1 of the application	Staff disagrees- see ML13018A266. Note that the license condition was LC 12.8 at that time.	No Change from the Second Draft.
12.10	Revise "Quality Assurance Plan" to Quality Assurance Project Plan" and remove "requirements in 10 CFR Part 20, Subpart H"	Staff used the terminology of "QAP" for consistency with the application; however, staff will revised the license condition terminology to be clear.  With regard to 1-0 CFR Part 20, Subpart H, Section 20.1703(c)(4)(vii) requires a written procedures for quality assurance of the respiratory equipment.	See attached draft license
11.5	change the reference to LC 11.1 to "discussed below".	Staff agrees	See attached draft license

