

January 6, 2014

TELECONFERENCE MEETING REPORT

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: Amy M. Snyder, Team Leader **/RA by BVTill for/**
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

DATE/TIME: December 19, 2013
1:00 p.m. – 2:00 p.m.

LOCATION: U.S. Nuclear Regulatory Commission (NRC)
Two White Flint North,
11545 Rockville Pike
Rockville, MD 20852
Teleconference

PURPOSE: Teleconference with the National Mining Association (NMA) to discuss new information that NMA believes may impact issuance of radon guidance for uranium recovery facilities.

DISCUSSION:

On December 19, 2013, a category 2 public teleconference was held between the U.S. Nuclear Regulatory Commission (NRC) and representatives of the National Mining Association (NMA). The purpose of the teleconference is to discuss new information that NMA believes may impact issuance of staff interim guidance (ISG) on radon and radon progeny (referred to as the ISG herein after) for uranium recovery facilities. After introductions, the NRC noted that the draft ISG was published in the *Federal Register* in 2011 for public comment. Today's discussion is not for additional comments on the draft ISG or to discuss the comments that NRC received on the draft nor to discuss the current version of the ISG which has not been shared external to the NRC staff. The teleconference is for the purpose as stated in the meeting (teleconference) notice. NRC also noted that NRC has reviewed and considered the comments that it has received on the draft ISG and plans to provide a summary of how it dispositioned the comments.

The teleconference notice and agenda are provided as Enclosure 1, as well as through the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML13343A021. This system provides text and image files of NRC's public documents. A list of attendees is provided as Enclosure 2. NMA provided a presentation titled "Discussion on Radon Guidance – NRC Public Meeting 19 Dec 2013." This presentation was emailed to staff shortly before the teleconference and the staff did not have time to review it before hand or post it the teleconference notice or place it in ADAMS. Now the presentation is found under ADAMS Accession No. ML13358A032. The information in this presentation was discussed during the teleconference as well as a publicly available letter and underlying data that the NMA emailed to the staff a day before the teleconference. Although the staff briefly reviewed this letter and supporting information before the teleconference, it did not have time to evaluate it nor post it to the meeting notice nor place in in ADAMS before the teleconference. This letter and the underlying data can now be found under ADAMS Accession Nos. ML13358A055 and ML13358A050, respectively.

Ms. Katie Sweeney of the National Mining Association expressed her appreciation for the opportunity to present information that it believes in new for NRC's consideration before issuance of the ISG. She requested that NRC delay issuance of the ISG because in her view there will be problems with implementation of the guidance especially in the areas of measurement and verification. She informed the group that Mr. Oscar Paulson, Kennecott Uranium Company and Ms. Kari Toews, Cameco Corporation will be presenting implementation problems, and Mr. Tony Thompson of Thompson & Pugsley, PLLC will be presenting legal information on behalf of the National Mining Association with regard to the ISG guidance.

Mr. Oscar Paulson discussed the content of the Letter from the Colorado Public Health and Environment concerning a Cotter Site's duplicate radon background measurement and the response letter from the Cotter Site (ML13358A058) that refers to the manufacturer's recommendations to the Cotter Site regarding many ways in which the issue can be resolved. Mr. Paulson used the recommendations from cited manufacturer to make his case that uranium recovery sites need to work on better ways to implement measurement of radon. Ms. Sweeney asked Mr. R.H. Meyer of Keystone Scientific to expound on the issue regarding the need for better radon measurements. Mr. Meyer discussed one of the cited manufacturer's recommendations regarding the possible use of a larger track read out area in environments of low radon concentration. Mr. Meyer said that many licensees use these detectors. Ms. Sweeney stated that she would like the opportunity to work with the NRC staff on this issue of measurement in a workshop before NRC issues the ISG.

Ms. Toews presented information on her work at one of the Cameco sites (ML13358A032). She said that if using an equilibrium factor of 1, the allowable concentration of radon for public dose compliance would be 0.1 pCi/L. For her work at one of the Cameco sites, she said that radon measurements are near background but are variable. In some cases she stated that Variability of background can be much greater than the values she is trying to measure. She stated that she wants to use measurements to demonstrate compliance with the annual public dose limit. She further explained that she is looking at data over years and would like to statistically evaluate the data for model validation for dose compliance purposes but the guidance would not allow for such a practice. Staff asked her why she came to that conclusion. She stated because she discussed her approach with staff earlier this month at the public meeting (December 4, 2013 meeting on Crow Butte) and thought the staff reaction was not positive. Mr. Duane Schmidt, NRC Lead Health Physicist on the ISG, responded that he believes statistical

evaluation of the data may be acceptable for model validation because there is flexibility in guidance. Ms. Toews said that due to the variability of radon and radon progeny at her site, her view is that statistics is required to get consistent results and further discussions on the topic is needed.

Mr. Tony Thompson stated that the sites cannot meet the ISG guidance and there are legal implications with regard to how the guidance is currently written. He referred to Mr. Paulson's and Ms. Toews' presentations where they both explained the difficulties in the use of measurements and said that the guidance is not implementable and therefore should not be required.

Members of the public were present at the meeting via teleconference. Time was provided at the end of the meeting for public comment and questions for the staff. A summary of public comments are found in Enclosure 3.

Ms. Amy Snyder, Team Leader for the NRC's Uranium Recovery Branch, stated that NRC will evaluate and consider what the NMA has presented today in its decision making process regarding the issuance of the ISG. Ms. Tracey Stokes of NRC Office of General Council commented that the ISG is guidance and not requirements. She further explained that the ISG is one way that the staff finds acceptable to show compliance with the regulations; however there may be other ways that can be used to show compliance with the regulations. Ms. Sweeney again thanked the NRC for the opportunity to present new information; however she said that she understands that the ISG is guidance but in her view guidance does turn into regulations and she said that she thinks that the industry cannot comply with the ISG. She requested that the NRC delay the issuance of the ISG until after the industry with NRC in a workshop develop better ways to address the measurement and verification problems that were just discussed. She further added that if the NRC is going to make the industry show for each site how this guidance applies, there will be litigation.

Please direct any inquiries concerning this meeting to Ms. Amy Snyder at 301-415-6822, or Amy.Snyder@nrc.gov.

Enclosures:

1. Agenda
2. Participant List
3. Summary of Public Comments

Docket No.: NA

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DISTRIBUTION:

Meeting Attendees

LGersey/RIV

BSpitzberg/RIV

PMNS

ML13364A259

Office	DWMEP	DWMEP	DWMEP	DWMEP
Name	ASnyder	DSchmidt	BVonTill	ASnyder
Date	12/24/13	12/31/13	01/6 /13	01/ 6 /13

OFFICIAL RECORD COPY

MEETING AGENDA
National Mining Association
December 19, 2013

MEETING PURPOSE: Teleconference with the National Mining Association (NMA) to discuss new information to be identified by NMA that NMA believes may impact the issuance of staff interim guidance on radon and radon progeny for Uranium Recovery Facilities.

Time	Topic	Lead
1:00 - 1:05 p.m.	Introductions	All
1:05 – 1:10 p.m.	Opening Statement	All
1:10 – 1:40 p.m.	NMA Presents New Information for NMA NRC consideration	NMA
1:40 – 2:00 p.m.	Public Comment/Questions	Moderator
2:00 p.m.	Adjourn	

Participant List

Nuclear Regulatory Commission

Andrew Persinko, FSME
Bill Von Till, FSME
Duane Schmidt, FSME
Amy Snyder, FSME
James Webb, FSME
Linda Gersey, RIV
Tracey Stokes, OGC

National Mining Association

Katie Sweeney, National Mining Association (NMA)
Tony Thompson, Thompson & Pugsley, PLLC
Kari Toews, Cameco Corporation (representing NMA for this teleconference)
Oscar Paulson, Kennecott Uranium Company (representing NMA for this teleconference)

Members of the Public

Sarah Fields, Uranium Watch
Steven Cohen, Senior Project Manager, SENES Consultants Ltd.
Steven Brown, SENES Consultants Ltd.
Mike Griffin, Strata Energy
Phil Goebel, Utah Division of Radiation Control
Rusty Lundberg, Utah Division of Radiation Control
Doug Chambersberg
Dawn Kolkman, Uranerz
Donna Wichers, Uranium One
Dr. H.R Meyer, Keystone Scientific
Clay Little, Independent Consultant
John Hammerman, Cotter Mining
Scott Shermann, Uranerz
Mr. Kavender, AUC
Kerri Linden, Uranerz
John Mc, Uranerz
John Kane, Cotter Corporation
John Luellen, URS Corporation

Summary of Public Comments

Comments for NRC staff:

Ms Sara Fields of Uranium Watch commented that she hopes that any delays of staff is not long. She stated that two years is a long time for development of this guidance. She said that the information presented today appeared to focus on milling operations and establishing background. She stated that the guidance is not for establishing radon background and expressed concerned that it has been way too long a period of time for this establishing this guidance.

General Comments

John Hammerick of Cotter Mining asked Ms. Toews of Cameco what the minimum number of sample for her work. Ms. Toews said the more the better and she would like to have at least 10 data points for a statistical evaluation. She commented that it lends itself to about 6 six years of data.

Craig Little, Independent Consultant, asked Ms. Toews of Cameco how long the track detectors were in the field before they were measured. Ms. Toews replied 6 months.