

January 16, 2014

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/**  
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 5, 2013  
9:00 a.m. – 12 noon

LOCATION: U.S. Nuclear Regulatory Commission (NRC)  
Two White Flint North, Room O-16-B4  
11545 Rockville Pike  
Rockville, MD 20852

PURPOSE: Meeting with the National Mining Association (NMA) to discuss  
ongoing issues pertaining to uranium recovery facilities.

DISCUSSION:

On December 5, 2013, a category 2 public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) and representatives of the National Mining Association (NMA) at the NRC Headquarters in Rockville, MD. The purpose of the meeting was to discuss ongoing issues pertaining to uranium recovery facilities. The meeting notice and agenda are provided as Enclosure 1, as well as through the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML1337A379. 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 "Improving Radon Public Dose Estimates." This presentation was discussed at the meeting and it can be accessed through ADAMS under Accession No. ML13338A253.

As requested in NMA's December 2, 2013 letter (ML13337A259), billing issues, review efficiency, the Section 106 process, U.S. Environmental Protection Agency (EPA) rulemaking, and public dose compliance issues were the main topics discussed.

Resulting from the meeting, staff plans provide a summary of the process licensees can use to obtain more detailed billing information and a licensing lessons-learned workshop will be planned for spring.

NMA also presented information on some of the licensees' efforts in measuring radon for public dose compliance. The presentation led to a detailed technical discussion which was curtailed due to time. NMA requested that NRC delay issuance of its radon guidance until it has the opportunity to present all of its new data to NRC. It was agreed that a follow-on teleconference, open to the public, should be scheduled for NMA to present new information it believes may impact issuance of staff guidance on radon.

Chris Pugsley, representing NMA, proposed that NRC consider "allowing" industry to start preconstruction at industry's own risk before the licensing process is complete; specifically, before the Environmental Impact Statement (EIS) or Supplemental EIS is completed. Mr. Pugsley believed that it would be beneficial if NRC could provide industry will guidance on the level of risk an applicant would incur if an applicant were to start construction, such as a foundation of the central process building or installation of well fields. Mr. Pugsley said he was also interested in where the NRC draws the line with respect to the completeness of an environmental review with respect to preconstruction activities and believes that more discussion is necessary on this subject.

NMA noted that it met with the Office of Management and Budget (OMB) and provided its comments on the on the EPA's draft proposed rule, "National Emission Standards for Hazardous Air Pollutants, Subpart W, (40 CFR 61.250): Standards for Radon Emissions from Operating Uranium Mill Tailings." NMA said that it plans to provide comments to OMB on EPA's draft proposed rule on 40 CFR 192, "Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings," when it is available for comment.

NMA expressed its concerns about how the NRC conducts the National Historic Preservation Act (NHPA) Section 106 process. NRC updated NMA on the NRC's efforts in preparing a Section 106 guidance document specific for uranium recovery industry. NRC informed NMA to expect to see the draft guidance in February 2014. Then, NMA and NRC had an open discussion on the merits of the 106 process and the regional programmatic agreement. It was agreed that the 106 process would be discussed at the spring lessons learned workshop that is being planned.

NMA stated that it disagreed with the NRC Office of Inspector General's (OIG's) conclusions regarding In-Situ Recovery (ISR) facilities on a recent audit of NRC's process for preparing EISs in accordance with the National Environmental Policy Act. NMA informed staff that it plans on writing the OIG to express its disagreement and concerns.

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.

The complete list of action items resulting from the discussions are provided in Enclosure 4.

Please direct any inquiries concerning this meeting to Ms. Amy Snyder at 301-415-6822, or [Amy.Snyder@nrc.gov](mailto:Amy.Snyder@nrc.gov).

Enclosures:

1. Agenda
2. Participant List
3. Summary of Public Comments
4. Meeting Action Items

Docket No.: NA

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Docket No.: NA

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REVISED MEETING AGENDA  
National Mining Association  
December 5, 2013

MEETING PURPOSE: Meeting With National Mining Association (NMA) to discuss Ongoing Issues Pertaining to Uranium Recovery Facilities

<u>Time</u>	<u>Topic</u>	<u>Lead</u>
9:00 - 9:05 a.m.	Introductions	All
9:05 – 9:30 a.m.	Billing Issues	OCFO
9:30 – 9:45 a.m.	Agency Resources and Structure and Focus of Licensing Reviews Lessons Learned Workshop	All
9:45 – 10:00 a.m.	Letter of Intent Accuracy Efforts	All
10:00 – 10:30 a.m.	Guidance Documents Radon Interim Staff Guidance Other	All
10:30 – 11:00 a.m.	Section 106 Process	All
11:00- 11:15 a.m.	NRC Inspector General Report	All
11:15 - 11:30 a.m.	Rules Pre-Licensing Construction Rule Subpart W Rulemaking Part 192 Rulemaking	All
11:30 – 12:00 Noon	Public Comment/Questions	Moderator
12:00 Noon	Adjourn	

## Participant List

### Nuclear Regulatory Commission

Larry Camper, FSME                      Duane Schmidt, FSME  
Andrew Persinko, FSME                Aby Mohseni, FSME  
Bill Von Till, FSME                      Tracey Stokes, OGC  
Kevin Hsueh, FSME                      Maureen Conley, OPA  
Seth Coplin, CFO  
William Blaney, CFO  
Amy Snyder, FSME  
Elise Striz, FSME  
Jim Park, FSME

### National Mining Association

Katie Sweeney, National Mining Association  
Tony Thompson, Thompson & Pugsley, PLLC  
Chris Pugsley, Thompson & Pugsley, PLLC  
Dr. H.R Meyer, Keystone Scientific

### Members of the Public

Oscar Paulson, Kennecott Uranium Company  
Sarah Fields, Uranium Watch  
Jennifer Thurston, Information Network for Responsible Mining  
Jeffrey C. Parsons, Senior Attorney, Western Mining Action Project  
Darani Reddick, Associate, Winston & Strawn LLP  
Michael Welling, Director Radioactive Materials Program, Virginia Department of Health  
Steven Cohen, Senior Project Manager, SENES Consultants Ltd.  
Steven Brown, SENES Consultants Ltd.  
Kari Toew, Cameco Corporation  
Josh Leftwich, Cameco  
Mike Griffin, Strata Energy  
Dawn Kolkman, Uranerz  
Donna Wichers, Uranium One

## Summary of Public Comments

Oscar Paulson of Kennecott Uranium Company<sup>1</sup> explained, why, in his opinion, there is a value for radon and a value for radon with progeny in Title 10 of the Code of *Federal Regulation* (10 CFR) 20, Appendix B, "Annual Limits on Intake and Derived Air Concentrations of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage," Table 2, "Effluent Concentrations," by reading the following from the Statements of Consideration for the U.S. Nuclear Regulatory Commission's (NRC's) 1991 revision of 10 CFR Part 20 (*Federal Register*, 56 FR 23360, May 21, 1991, page 23375).

The Commission is aware that some categories of licensees, such as uranium mills and in situ uranium mining facilities, may experience difficulties in determining compliance with the values in appendix B to Part 20.1001-20.2401, Table 2,... revised value is approved by the NRC. For example, uranium mill licensees could, under this provision, adjust the table 2 value for radon (with daughters) to take into account the actual degree of equilibrium present in the environment. This provision permits (upon NRC approval) the use of concentration limits for members of the general public that better represent actual exposure conditions.

NRC staff recognized that NRC guidance on radon and radon progeny surveys and determining public dose for uranium recovery facilities is inadequate. NRC staff said it is in the process of preparing Interim Staff Guidance on radon and radon progeny surveys and certain aspects of dose determinations for uranium recovery facilities to assist staff in evaluating compliance with the 10 CFR Part 20 public dose limit.

Sarah Fields of Uranium Watch asked who is the point of contact for NRC regarding NRC comments to the Office of Management and Budget (OMB) on the U.S. Environmental Protection Agency's draft proposed rule, "National Emission Standards for Hazardous Air Pollutants (NESHAPs), Subpart W: Standards for Radon Emissions From Operating Uranium Mill Tailings." Staff informed her that Michelle Albert of the Office of General Council is the point of contact. Sarah Fields asked whether Subpart W would apply to In-Situ Recovery facilities or conventional uranium mills. Staff noted that it covers both but the staff could not discuss its specific comments to the OMB.

Mr. Jeffrey C. Parsons, Senior Attorney of Western Mining Action Project, commented on the Environmental Impact Statement (EIS) process and the proposed approach that Mr. Chris Pugsley asked NRC regarding the preconstruction. Mr. Parsons said that industry should not forget that delays in terms of time to the EIS process can also be attributed to licensees and applicants that not doing the necessary studies so that staff can make its health and safety findings. Regarding preconstruction, Mr. Parsons stated that the proposal to start preconstruction or construction when the EIS is close to being done is in conflict with the purpose of the National Environmental Policy Act.

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<sup>1</sup> Mr. Paulson commented during the radon discussion before the meeting was open for public comment. He was not representing the National Mining Association, but was asked a question by the NMA during the radon discussion.

## **Action Items**

1. U.S. Nuclear Regulatory Commission (NRC) will respond to the National Mining Association's (NMA's) letter dated December 2, 2013.
2. NRC will provide NMA a summary of the process licensee can use to obtain detailed billing information. This summary will include the level of detail that can be obtained.
3. NMA will provide a list of topics, weighted by importance to NMA, for the lesson's learned workshop so that NRC can plan for the correct people to include its contractors, as appropriate. NRC will then provide NMA with proposed dates and times for the next lesson's learned workshop. It was agreed that the lessons learned workshop should be in Washington, D.C. and should be sometime this spring, but well before the June NMA meeting.
4. NMA will provide for NRC's consideration, its proposal regarding uranium recovery letters of intent addressing proprietary information.
5. NRC will schedule a teleconference to discuss any new information that the NMA has that it believes may impact issuance of radon guidance. This will be a publicly noticed meeting.
6. NMA plans write a letter in the near term, copying NRC's Uranium Recovery Management, to the NRC's Inspector General commenting on the Inspector General Report on uranium recovery environmental reviews.
7. NMA will provide the web link to its comments on Subpart W of the U.S Environmental Protection Agency's draft rulemaking. NMA plans to comment on the draft proposed rule for 40 CFR 192 when it is available.
8. Upon submittal of NMA's proposal of starting preconstruction activities before the staff's review is complete, NRC will evaluate such a proposal and respond to NMA.