

May 21, 2014

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: Ronald A. Burrows, 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

On May 7, 2014, a public meeting was held at U.S. Nuclear Regulatory Commission Headquarters, at the request of the NRC, to discuss the license conditions in Powertech (USA) Inc.'s (Powertech's) materials license SUA-1600 with an emphasis on what actions are required prior to scheduling a preoperational inspection. A summary of the meeting is enclosed.

Docket No.: 040-9075

Enclosure:
Meeting Summary

cc: Richard Clement, Powertech
Richard Blubaugh, Powertech

CONTACT: Ron Burrows, FSME/DWMEP
(301) 415-6443

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ML14129A406

OFC	DWMEP	DWMEP	DWMEP	OGC	DWMEP	DWMEP	DWMEP
NAME	RBurrows	TLancaster	VKurian	PJehle	SAchten	ASnyder	RBurrows
DATE	05/12/14	05/13/14	05/13/14	05/21/14	05/13/14	05/21 /14	05/21/14

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MEETING SUMMARY

DATE: May 7, 2014

TIME: 10:00 a.m. to 12:00 p.m.

PLACE: U.S. Nuclear Regulatory Commission, Headquarters
Two White Flint North, Room T-8C1
Rockville, Maryland

PURPOSE: This meeting was held at the request of the U.S. Nuclear Regulatory Commission (NRC) to discuss Powertech (USA) Inc.'s (Powertech's) license conditions in materials license SUA-1600.

ATTENDEES: See Attached Attendee List.

BACKGROUND:

By letter dated April 8, 2014 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML14043A052), the NRC staff transmitted source materials license SUA-1600 (license) to Powertech. The NRC requested this public meeting to provide Powertech the opportunity to ask questions regarding the license and to ensure Powertech understood what actions are required prior to scheduling a preoperational inspection.

The NRC staff observes that the Atomic Safety and Licensing Board (the Board) ordered a temporary stay of the license on April 30, 2014 (refer to ADAMS Accession Number ML14120A193). See specific discussions below on license conditions (LCs) 9.5, 9.8, and 12.23 as they relate to this temporary stay.

DISCUSSION:

The NRC staff read an opening statement at the meeting. The NRC staff and Powertech addressed the topics set out in the meeting agenda (Attachment 1). Specific action items identified by the staff during this meeting are summarized in the table below.

The NRC staff started the discussion of LCs with Section 12, Preoperational Conditions, of Powertech's license. Before discussing individual license conditions, the NRC staff clarified several aspects of the license for Powertech.

Regarding the first point of clarification, the NRC staff told Powertech that all timeframes specified in Section 12 LCs are minimum timeframes and that all LCs in Section 12 must be resolved to the satisfaction of NRC staff prior to scheduling the preoperational inspection. Powertech asked if that included LC 12.8. The NRC staff confirmed that all LCs in Section 12 are to be resolved to the satisfaction of the NRC staff prior to scheduling the preoperational inspection including LC 12.8. The NRC staff asked Powertech if they understood that all LCs in Section 12, must be resolved to the satisfaction of NRC staff prior to scheduling the preoperational inspection and Powertech stated they understood.

Enclosure

Regarding the second point of clarification, the NRC staff told Powertech that the temporary stay issued by the Board (refer to ADAMS Accession Number ML14120A193) does not affect compliance with LCs 9.5 and 12.23. The NRC staff stated that compliance with these two LCs are based on the issuance and receipt of the license, respectively, and as such the NRC staff expects compliance based on ninety days from the April 8, 2014 issuance date of the license. Powertech stated that they understood.

Regarding the last point of clarification, the NRC staff indicated that the term “verification” is defined in LC 9.2. At Powertech’s request, the NRC staff provided additional clarification on what written verification entails at Powertech’s request. The NRC staff stated that, in essence, the only difference between the written verification process and an amendment is the administrative aspect of processing an amendment. The NRC staff also stated that the technical review process, including Requests for Additional Information (RAIs), is essentially the same for both processes.

Powertech asked the NRC staff to explain the preoperational inspection process and describe what is necessary to authorize the startup of operations. The NRC staff clarified that for a preoperational inspection, the inspectors obtain complete procedures that cover the training of personnel, operational processes, and programs required by regulation or as committed to in the license. These procedures are the focus of the 1 week long preoperational inspection. If there are problems found at the preoperational inspection, then a second preoperational inspection is scheduled at a later date and the inspectors review how the licensee has addressed any outstanding issues. The NRC staff said that the Region prepares a letter for Headquarters concurrence that authorizes operation. The NRC staff said that the preoperational inspection is only part of determining whether a licensee is ready to operate. The other part is the resolution of preoperational license conditions and updating the license, as necessary.

Powertech asked what the turnaround time is for the NRC’s review process for license conditions and inspection reports. The NRC staff responded that for license condition reviews it depends upon the completeness of the submittal and the staff current workload at the time of the submittal. The actual inspection report which summarizes the preoperational inspections takes about 45 days to complete and is not required to be completed before operations may begin. The NRC staff suggested that the licensee look at the Safety Evaluation Report (SER) for the basis of the LC prior to preparing its submittal to ensure that the needed information is submitted to the NRC.

The NRC staff proceeded to go through Section 12 of the license, pausing at LCs to provide clarification or to respond to Powertech’s specific questions. Below is a summary of these clarifications and responses to specific questions on the LCs.

LC 12.13: The NRC staff noted that this LC specifies providing the NRC staff with procedures. The NRC staff clarified that the term “procedures”, used in this LC, does not imply standard operating procedures (SOPs). Rather, procedures refer to a description of the program itself. If Powertech chooses to submit SOPs, it will still have to sufficiently describe the relevant program and any SOPs will be made publicly available.

LC 12.22: The NRC staff noted that this LC may take some time to address. The NRC staff stated that Powertech may find the recently completed amendment #2 for the Nichols Ranch facility to be useful in addressing this LC. Powertech acknowledged previously receiving this information from the NRC staff (refer to ADAMS Accession Number ML14112A313).

LC 12.23: The NRC staff repeated that the temporary stay ordered by the Board (refer to ADAMS Accession Number ML14120A193) does not affect compliance with this LC. Powertech stated that they understood.

After completing the review of Section 12 LCs, the NRC staff started at the beginning of Section 9 of the license.

LC 9.2: The NRC staff emphasized that all commitments in LC 9.2 (i.e., “tie downs”) will be used for future compliance assessment purposes. In addition, the NRC staff stated that it would be beneficial to the preoperational inspection team if Powertech would have a complete set of paper copies of these tie downs as well as the current operating procedures for the ready for the preoperational inspection team. Powertech asked if that includes the Safety and Environmental Review Panel (SERP) procedure. The NRC staff said yes and also noted that the inspectors will be looking for copies of any SERP reviews that have been implemented. The NRC staff said that the inspection team will evaluate SERP reviews during the preoperational inspection and give an opinion as to their completeness.

LC 9.4: The NRC staff referred Powertech to an NRC staff presentation given at the 2013 National Mining Association workshop on the SERP review process (refer to ADAMS Accession Number ML13115A106).

LC 9.5: The NRC staff repeated that the temporary stay ordered by the Board (refer to ADAMS Accession Number ML14120A193) does not affect compliance with this LC. Powertech stated that they understood.

LC 9.6: The NRC staff clarified that a submittal is only required if and when Powertech chooses to deviate from Regulatory Guides 8.30 or 8.31, or both. Until such time as the written verifications specified in LC 9.6 from the NRC staff is received by Powertech, LC 9.7 remains in effect.

LC 9.8: Powertech asked about activities not associated with construction (e.g., building roads) and whether or not the Programmatic Agreement is still in force. The NRC staff said that this issue is still under discussion and the NRC staff will get back to Powertech with an answer.

Subsequent to this public meeting, the NRC Atomic Safety Licensing Board (the Board) held oral arguments on May 13, 2014, to determine if granting a stay of Powertech’s NRC license was warranted. On May 20, 2014, the Board lifted the temporary stay of Materials License Number SUA-1600, issued April 30, 2014 (refer to ADAMS Accession Number ML14120A193) and denied the motions for a stay of the effectiveness of Materials License Number SUA-1600 filed by Consolidated Intervenors and the Oglala Sioux Tribe on April 14, 2014. The Board’s order dated May, 20, 2014 can be found at ADAMS Accession Number ML14140A470.

This Board action makes Powertech's question on LC 9.8 moot and therefore this action is completed.

LC 10.4: The NRC staff stated that the inspectors will coordinate the availability of SOPs with Powertech at the appropriate time. Powertech asked the NRC staff if there was any guidance on developing SOPs. The NRC staff responded that there was no guidance and that SOPs are an industry responsibility.

LC 10.7: The NRC staff stated that the expectation of maintaining a "net inward hydraulic gradient" is that the licensee should have continuous bleed.

LC 10.10: Powertech asked how long the written verification process takes for a hydrologic test package (i.e., wellfield package). The NRC staff said, generally, that it will depend on the quality of the submittal and the availability of staff resources. The NRC staff committed to provide Powertech with an estimate at a later date.

Subsequent to this public meeting, the NRC staff estimated that it would take approximately two to six months to complete its review process for a high quality (e.g., minimal RAIs) hydrologic test package submittal. This estimate will also depend on Powertech's RAI response time (see table below).

This action item is completed.

Regarding LC 10.10, Powertech also asked if it was possible to request a pre-submission audit of a hydrologic test package. The NRC staff responded that they will discuss this issue internally and respond back to Powertech (see table below).

Subsequent to this public meeting, the NRC staff determined that the best way to provide NRC staff comments on a hydrologic test package prior to submitting the package for a full review is through a public meeting. See, for example, the public meeting minutes for the discussion on the Nichols Ranch wellfield package (ADAMS Accession # ML12150A077).

As the NRC staff noted during the public meeting (see discussion above), the length of time for the NRC staff to review a hydrologic test package will depend, in part, on the quality of the submittal. The NRC staff considers the following examples of hydrologic test packages to be of higher quality and the submission of similar quality hydrologic test packages should minimize NRC staff review time:

- ML083150710
- ML070790270

This action item is completed.

LC 11.5: Regarding the notification of an excursion to the NRC staff, the NRC staff stated that the expectation is to be notified within a matter of days, not weeks or more.

Lastly, Powertech requested clarification on when submittals addressing individual license conditions should be submitted to the NRC. The NRC staff responded that individual submittals should be submitted as they are completed instead of waiting to submit everything at once. The NRC staff noted that if several license conditions address a similar topic, it may be more efficient to submit responses to those license conditions as one submittal.

Specific Action Items -

License Condition	Issue	Responsible Party	Response/Due Date
9.8	Does the Board ordered temporary stay (ML14120A193) affect compliance with LC 9.8?	NRC	<p>The NRC staff responded that they are discussing this issue internally.</p> <p>Subsequent to this public meeting, the Board lifted the temporary stay of Materials License Number SUA-1600, issued April 30, 2014, and denied the motions for a stay of the effectiveness of Materials License Number SUA-1600 filed by Consolidated Intervenors and the Oglala Sioux Tribe on April 14, 2014. The Board's order dated May, 20, 2014, can be found at ADAMS Accession Number ML14140A470.</p> <p>This action item is completed.</p>
10.10	For planning purposes, how long does the written verification process take for a hydrologic test package?	NRC	<p>During the public meeting, the NRC staff responded that, overall, the length of time for staff to review a hydrologic test package will be dependent upon the quality of the submittal and the availability of staff resources.</p> <p>At this time, the NRC staff estimates two to six months to complete its review process for a high quality (e.g., minimal RAIs) hydrologic test package submittal. This estimate will also depend on Powertech's RAI response time.</p>

			This action item is completed.
10.10	Can Powertech request a pre-submission audit of a hydrologic test package?	NRC	<p>The NRC staff responded that they will discuss this issue internally and provide Powertech a response at a later date.</p> <p>The NRC staff determined that the best way to provide NRC staff comments on a hydrologic test package prior to submitting the package for a full review is through a public meeting. See additional discussion under LC 10.10 in the meeting summary text.</p> <p>This action item is completed.</p>

Members of the public were given an opportunity to ask questions. There were no questions from members of the public.

Attachments:

1. Agenda
2. List of Attendees

PUBLIC MEETING AGENDA
Discussion of Powertech License Conditions

May 07, 2014, 10:00 AM to 12:00 PM

**NRC Two White Flint North, 8C1
11545 Rockville Pike
Rockville, MD**

10:00 am – 10:05 a.m.: Introductions, Opening Remarks, and Statement of Purpose

10:05 am – 11:30 a.m.: NRC staff to discuss license conditions in License SUA-1600 with Powertech (USA), Inc.

11:30 am – 12:00 p.m.: Public Comment/Questions

12:00 p.m.: Adjourn

The time of the meeting is local to the jurisdiction where the meeting is being held.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If reasonable accommodation is needed to participate in this meeting, or if a meeting notice, transcript, or other information from this meeting is needed in another format (e.g., Braille, large print), please notify the NRC meeting contact. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

ADAMS Accession Number: ML14100A619

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Link to meeting details: <http://meetings.nrc.gov/pmns/mtg?do=details&Code=20140674>

Commission's Policy Statement on "Enhancing Public Participation in NRC Meetings"
67 Federal Register 36920, May 28, 2002
The policy statement may be found on the NRC website <http://www.nrc.gov/reading-rm/doc-collections/commission/policy/67fr36920.html>



MEETING ATTENDEES

Date: May 7, 2014

Topic: Discussion of Powertech license conditions

NAME	AFFILIATION	PHONE NUMBER	E-MAIL
Ron Burrows	NRC	301-415-6443	Ronald.Burrows@nrc.gov
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John Mays*	Powertech (USA) Inc.		
Richard Blubaugh*	Powertech (USA) Inc.		
Dick Clement*	Powertech (USA) Inc.		
Lisa Scheinost*	Powertech (USA) Inc.		
Mark Hollenbeck*	Powertech (USA) Inc.		
Frank Lichnovsky*	Powertech (USA) Inc.		
Mark Schierman	ERG		
Chris Pugsley*	Thompson and Pugsley		

***Participated via Teleconference**