

**From:** Jim Viellenave <jviellenave@auc-llc.com>  
**Sent:** Thursday, September 04, 2014 6:02 PM  
**To:** Glenn, Chad; Caverly, Jill  
**Cc:** Leland Huffman; Dan Dowers  
**Subject:** Decision on Proposed Action

Dear Chad and Jill:

AUC has reviewed both the existing and the proposed regulations on the treatment and disposal of water for beneficial uses that would occur in our proposed "land application" approach for the Reno Creek project. There appears to be a logical and legally permissible way to accomplish this, but it involves an interpretation of regulations and in the end a reconciliation of how EPA, NRC, and WDEQ apply them. This process, however, is complicated by EPA's ongoing re-definition of two critical terms: *waters of the US* and *navigable waterways*. This is critical because of the language in 40CFR Part 440 which seems to prohibit discharge of ISR process water (not restoration/remediation waters). This discharge is not prohibited absolutely, but only into navigable waterways. As the definition is in flux, it makes it virtually impossible to propose an approach that all parties could agree to and which would be treated by NRC as potentially viable.

As a consequence, we hereby notify NRC that AUC intends to maintain its original Proposed Action, including disposal of wastewater from the facility only into Class I Deep Disposal Wells. AUC will not be incorporating "land application" (as raised by NRC in TR RAI-38 and ER RAI GEN-4) into its Source Materials License for the Reno Creek Project.

AUC will withdraw RAI responses or portions of RAI responses that specifically discussed the possible incorporation of land application and modify them appropriately. All RAI responses or portions thereof which did not make reference to land application remain in force. This will also have the effect of eliminating many of the "clarification" questions that arose during our project manager to project manager meetings on the RAI responses.

AUC will provide to NRC prior to the public meeting (to be scheduled) a matrix that identifies RAI responses to be modified and also identify the subsequent NRC clarification questions that appear to hinge on the assumption of land application being incorporated into the project. We anticipate that during the public meeting, NRC and AUC should be able to come to agreement on which RAI responses and clarification questions are affected and agree to a schedule for AUC to provide final information to NRC for its technical review of the RAI responses.

AUC believes that it further would be unnecessary for its staff to come to NRC's office for the public meeting and that it could readily be accomplished by phone. One question that emerges is whether NRC is able to participate in a conference using the Go To Meeting web application? This would allow us to have all participants view a map or table or document during our discussion without actually submitting it. Such an approach could be very useful in clarification and decision making. It could be made available to members of the public who use a computer, but not to members who only participate by phone. They would not be able to see anything, but could hear and participate orally.

The telephone (oral) portion of the public meeting would be accomplished via an NRC bridge line. Participants would separately log into a Go To Meeting site hosted by AUC to view relevant information.

Best regards,

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