

ORIGINAL
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Title: BRIEFING BY NATIONAL AND WYOMING
MINING ASSOCIATIONS - PUBLIC MEETING

Location: Rockville, Maryland

Date: Tuesday, May 13, 1997

Pages: 1 - 34

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BRIEFING BY NATIONAL AND WYOMING
MINING ASSOCIATIONS

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland

Tuesday, May 13, 1997

The Commission met in open session, pursuant to notice, at 2:04 p.m., the Honorable SHIRLEY A. JACKSON, Chairman of the Commission, presiding.

COMMISSIONERS PRESENT:

- SHIRLEY A. JACKSON, Chairman of the Commission
- KENNETH C. ROGERS, Member of the Commission
- GRETA J. DICUS, Member of the Commission
- EDWARD McGAFFIGAN, JR., Member of the Commission
- NILS J. DIAZ, Member of the Commission

1 STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

2 JOHN C. HOYLE, Secretary

3 KAREN D. CYR, General Counsel

4 RICHARD LAWSON, NMA

5 CREW SCHMITT, Uranium Producers of America

6 WILLIAM KEARNEY, Power Resources

7 JOHN HAMRICK, UMETCO

8 RICHARD ZIEGLER, Cotter Corporation

9 ANTHONY THOMPSON, Shaw, Pittman, Potts &
10 Trowbridge

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P R O C E E D I N G S

[10:00 a.m.]

CHAIRMAN JACKSON: Well, good afternoon, ladies and gentlemen. I apologize for my tardiness. We were doing an emergency exercise, which we do periodically.

Today, representatives of the National Mining Association, the Wyoming Mining Association and the Uranium Producers of America have requested an opportunity to brief the Commission concerning the current status of the industry and issues of concern to uranium recovery licensees. We are looking forward to hearing today's presentation from these representatives of the uranium recovery industry. I understand that copies of your presentation material are available at the entrances to the room and so, unless my fellow commissioners have any comments to add, Mr. Lawson, would you please begin?

MR. LAWSON: Thank you very much, Chairman.

May we start out with introductions from our side who are present, please?

MR. HAMRICK: I would like to introduce myself. I am John Hamrick, Manager of Health Safety and Environmental Affairs for UMETCO Minerals Corporation and also the Environment Subcommittee Chairman of the Uranium Policy Counsel of the National Mining Association.

UMETCO currently holds three licenses, actually a

1 few more than that including gauge licenses. But we have
2 the Maybell Title 2 facility, we have the Gas Hills facility
3 which is regulated by the NRC. Maybell and our other
4 facility, Uravan, in Colorado, are agreement state licenses.

5 MR. ZIEGLER: My name is Rich Ziegler. I am with
6 Cotter Corporation. We are a wholly owned subsidiary of
7 Commonwealth Edison out of Chicago. We have a license with
8 the state of Colorado. We are an agreement state and are
9 responsible in the end to the NRC.

10 Thank you.

11 MR. THOMPSON: My name is Anthony Thompson. I am
12 the outside counsel to the National Mining Association's
13 Environmental Subcommittee.

14 MR. SCHMITT: My name is Crew Schmitt. I am
15 President and CEO of Power Resources and also President of
16 the Uranium Producers of America. I also represent GMX
17 Minerals. Power Resources projects are located in Wyoming.
18 We have the in situ leach project at Highland. We are
19 currently in the process of applying for a license for Gas
20 Hills operations and through GMS Minerals we have the Crow
21 Butte operation in Crawford, Nebraska.

22 Thank you.

23 MR. KEARNEY: Good afternoon. I am Bill Kearney
24 with Power Resources located at the Highland Uranium Project
25 and I am also representing the Wyoming Mining Association

1 today.

2 CHAIRMAN JACKSON: Are there any others?

3 MR. LAWSON: Yes, we have some other licensees in
4 the audience.

5 MR. KRAFT: Yes, my name is Fred Kraft. I am
6 representing U.S. Energy, which has a license with Green
7 Mountain Mining Venture out of Red Desert in Wyoming and at
8 the Sweet Water Conventional Mill, Plateau Resources at the
9 Shootaring Canyon Mill and Yellowstone Fuels, which is an
10 ISL.

11 MR. INDALL: My name is John Indall. I am an
12 attorney from Santa Fe, New Mexico, and I am General Counsel
13 for Uranium Producers of America.

14 MS. REHMANN: My name is Michelle Rehmman. I am
15 Environmental Manager for International Uranium Corporation.
16 We took possession of a license on Friday for the White Mesa
17 Mill near Blanding, Utah.

18 MR. POYSER: I am Bob Poyser. I represent Cogema
19 and specifically representing Pathfinder Mines Corporation
20 and Cogema Mining, Inc., which have together seven licenses.

21 CHAIRMAN JACKSON: Thank you.

22 We won't introduce ourselves -- oh, we still have
23 more. Please.

24 MR. PAULSON: My name is Oscar Paulson. I am
25 facilities supervisor for the Sweetwater Uranium Project

1 near Rollins, Wyoming, and I am here representing Kennecott
2 Uranium Company.

3 Thank you.

4 MS. SWEENEY: I am Katie Sweeney, Associate General
5 Counsel for the National Mining Association.

6 CHAIRMAN JACKSON: We aren't going to introduce
7 ourselves. Hopefully we know who we are.

8 MR. LAWSON: All right.

9 Well, thank you for the time today for us to
10 present ourselves.

11 The National Mining Association was actually
12 formed in 1995 by the merger of the National Coal
13 Association, an organization of about 65 years old, and the
14 American Mining Congress, an organization about 75 years
15 old. We represent coal and hard-rock producers, the
16 manufacturers and support agencies that support them. Also,
17 all of the State associations in the country representing
18 the mining industry are members.

19 We are presently mining in 50 States. Indeed,
20 from a political standpoint, we're mining in 397 of the 435
21 districts of the United States. Last year the American
22 economy used 40,000 pounds of metals and minerals per
23 person, plus an additional 7,000 pounds of coal to provide
24 electricity, and approximately a half-pound of uranium to
25 provide electricity. We produced 57 percent of the

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1 electricity with coal and about 21.6 percent of the
2 electricity used by the Nation with uranium. About 30
3 percent of the gross national product results from this
4 activity.

5 We're involved in Federal and international
6 activities in both regulative, legislative, public
7 relations, and educational projects. We have dealings with
8 DOI, DOL, Commerce, State, DOE, and several regulatory
9 bodies. In addition we've become recently extraordinarily
10 involved in a number of international forums that are
11 beginning to enter into the activities of the mining
12 industry of the United States, the United Nations, various
13 international labor, health, and safety groups, trade, and
14 market mechanisms.

15 Among our member mineral processing companies are
16 12 uranium recovery licensees. These uranium recovery
17 licensees are represented by the Uranium Policy Council and
18 the Uranium Environmental Subcommittee within the
19 organization.

20 Mr. John Hamrick, the chairman of the Uranium
21 Environmental Subcommittee, will now provide you with a
22 brief history of the activities of these NMA committees.

23 MR. HAMRICK: Thank you, General Lawson.

24 I'd like to touch a little bit on our purpose for
25 being here today, which is to give you an update on the

1 status of uranium recovery operations, and in doing so our
2 intention is to present and discuss perhaps some of the
3 issues that the licensees see as being perhaps burning ones
4 at this time, and in addition later we're going to extend an
5 invitation to the Commissioners to either individually or in
6 groups, whatever may be appropriate, to visit some of our
7 facilities, because some of them are quite large and it's a
8 little bit difficult sitting here around a table to get a
9 true feeling for the magnitude and the different issues that
10 face those facilities. We also are hopeful that we're
11 opening a dialogue here with the Commissioners and we would
12 like to be able to continue that dialogue.

13 With that I'd like to say just a few words about
14 this organization that General Lawson has certainly covered,
15 the National Mining Association, which is essentially a
16 national organization covering multiple sectors of the
17 mining industry, the Uranium Producers of America, which is
18 also a national association, but with the express coverage
19 of the uranium sector, and then the Wyoming Mining
20 Association, which is again a State association that
21 represents multiple sectors in the minerals industry, with a
22 large proportion of uranium producers being members of that
23 organization.

24 With that we'll kind of go to the slides here. I
25 would like to say just a couple, a few other points about

1 the Uranium Policy Council and the Environmental
2 Subcommittee, that the Uranium Policy Council is the
3 supervisory or administrative body for the Environmental
4 Subcommittee. The UES is the technical or regulatory-
5 affairs arm of the policy council. We do represent NMA
6 members on a full range of regulatory, legislative, and
7 litigation issues. Including as members of the American
8 Mining Congress, eventually the National Mining Association,
9 we participated in the NRC GEIS rulemaking process and
10 various EPA rulemakings. We also were instrumental in
11 helping rescind subpart T -- 40 CFR, part 60, subpart T --
12 the radon rules for inactive tailings. We've also commented
13 and provided input to staff on various branch technical
14 position papers and alternate concentration limit issues.

15 The membership is composed of four general
16 sectors, and those are the, if I skip around a little bit,
17 the producers, who are composed of conventional mills, those
18 that are operational have operating licenses, those that are
19 on standby and desire to become operational, the uranium in
20 situ operators who continue to produce uranium today. In
21 addition we have the licensees that are endeavoring to get
22 to license termination, and so are heavily involved in the
23 remediation process, and then we also have producers of
24 uranium as by-products or co-products of other processes.
25 The location of the uranium recovery licensees tends to be

1 clustered around where the ore deposits are, which are
2 mainly in the West in Wyoming, Nebraska, Colorado, New
3 Mexico, Texas, and Utah.

4 To give you an idea of the number of facilities
5 that we're talking about here on this slide we have listed
6 19 in situ leach facilities that tend to be clustered in
7 Wyoming and Texas with a couple in New Mexico, and the
8 conventional mine and mill facilities are also mainly
9 clustered in Wyoming, New Mexico, Utah, and Colorado. What
10 is not shown on here for the Colorado area is the numerous
11 small mines that supported those mills when they were
12 operating.

13 I would like to say a few words about our
14 perspective on our relationship with NRC staff, and we think
15 that we have an excellent working relationship with staff,
16 and we try to provide them with comments, and they have
17 tended to be very responsive when they have responded to us
18 in the materials they've given us. There's not always been
19 general agreement among us about what needs to be done or
20 perhaps things can be done, but I think that's to be
21 expected, and that is part of the reason we're here today,
22 is because we think that there are policy issues out there
23 that can be and need to be addressed by the Commission, that
24 their appropriate resolution lies at that level. So that's
25 part of our purpose.

1 With that, I'll turn the presentation over to Crew
2 Schmitt. He introduced himself earlier, but he'll be
3 talking about the Uranium Producers of America and some of
4 the economics of the industry.

5 MR. SCHMITT: Thank you, John.

6 It was a pleasure to have this opportunity to
7 participate in this briefing of the Commission on the
8 current status of the uranium recovery industry.

9 As John said, the Uranium Producers of America is
10 the national organization representing companies with
11 production centers in half a dozen States, Western States
12 primarily. As licensees we have ongoing communication and
13 interaction with the NRC staff.

14 There are several key issues facing our industry
15 at this time. Those relating to regulation will be dealt
16 with in the latter part of the presentation. It might be
17 helpful for your understanding though to set the stage with
18 a little historical background and update on the current
19 status and some thoughts about the future relating to our
20 industry.

21 As you know, the uranium industry was born as a
22 weapons program. Later it was expected to supply the Atoms
23 for Peace program, promising electricity too cheap to meter
24 in hundreds of nuclear powerplants. Finally today we've
25 reached a point of relative stabilization where uranium

1 requirements are expected to grow at a much more modest
2 rate, on the order of 1 percent per year.

3 Although stable growth, this is certainly not the
4 expectations we had in the seventies, when there were high
5 expectations for nuclear. The annual uranium production in
6 the United States exceeded 40 million pounds per year. This
7 slide that we see overhead right now reflects the employment
8 at its peak. At that time 40 million pounds represented in
9 excess of 20,000 jobs. Today actual production is closer to
10 6 million pounds, and today the industry is closer to 1,000
11 jobs.

12 In yesteryear, a producer's competitor was over
13 the next hill. Today, primary uranium producers'
14 competition is Government stockpiles built up over a 50-
15 year cold war era. The slide that is now up, this slide
16 shows the price over the last 10 years reflecting the impact
17 these inventories have had on the market. You can see there
18 is significant volatility as there has been different
19 perceptions of this material coming into the marketplace.

20 CHAIRMAN JACKSON: Now this comparing -- that's
21 the Commonwealth of Independent States? I mean, what is the
22 CIS price?

23 MR. HAMRICK: CIS is the Commonwealth of
24 Independent States. The other represents material that is
25 outside of the Commonwealth.

1 Integration of nuclear weapons materials into the
2 commercial market is essential in removing the nuclear
3 threat. The Uranium Producers of America wholeheartedly
4 support this integration. To that end we have worked
5 aggressively with other stakeholders to establish a rational
6 disposition of these materials. Agreements between the
7 United States and the former Soviet governments and
8 legislated schedules established with USEC Privatization Act
9 represent a rational disposition of these materials. These
10 disposition schedules allow primary production and
11 Government stockpiles to enter the commercial market without
12 significant disruption.

13 To be competitive today the United States uranium
14 industry, the group that is here today discussing with you,
15 has had to adapt. As you know from the previous slide, and
16 we're talking in excess of 20,000 jobs down to something on
17 the order of 1,000 today, it's been a significant
18 adaptation. This adaptation is to competition from the
19 Government stockpiles. It's also adapting to compete with
20 higher-grade deposits outside of the United States. As a
21 result, today the United States uranium industry is
22 comprised of in situ leach production centers. These will
23 be described in detail a little later. For us to be
24 competitive in the future in the U.S. uranium industry, we
25 must have technological innovation in order to be able to

1 compete in cost, and we must be extremely flexible to take
2 advantage of market opportunities. As you saw from the
3 slide, prices are all over the map at this point in time
4 with the perception of the stockpiles.

5 This innovation must be in the technical and in
6 the regulatory arenas. This does not necessarily mean
7 compromise of principles on either side. Rather it simply
8 means that much as many industries have had to seek unique
9 solutions to their competition, we have to forge new ways of
10 working together if our industry is to survive. I am
11 confident that we can find solutions necessary to preserve
12 the primary uranium recovery industry and maintain the
13 mandate of the Nuclear Regulatory Commission with respect to
14 our industry.

15 I look forward to working with the NRC in seeking
16 these unique solutions. Thank you for your attention, and
17 I'm going to pass this on to Bill Kearney, chairman of the
18 Wyoming Mining Association Uranium Committee.

19 Bill.

20 MR. KEARNEY: Thank you.

21 On behalf of the Wyoming Mining Association, I'd
22 like to thank the Commissioners and others for taking the
23 time to meet with us today. The Wyoming Mining Association,
24 also known as WMA, is an industry association that
25 represents bentonite, gold, coal, trona, and uranium

1 companies and mining associates such as vendors and
2 suppliers and contractors in Wyoming. Wyoming leads the
3 Nation in the production of bentonite, coal, soda ash,
4 produced from trona, and uranium. The membership consists
5 of 35 mining companies, 120 supply companies, and 5
6 electrical utilities.

7 The next slide shows the uranium projects in
8 Wyoming. They are located in the historic uranium mining
9 districts in the central and northeastern portions of the
10 State. You can see where Casper, one of two major cities in
11 Wyoming, is located.

12 Uranium was first produced in Wyoming in 1947.
13 Production peaked at about 12 million pounds per year in
14 1980 when the work force numbered over 5,000 people.
15 Production in 1997 is expected to approach 3 million pounds,
16 and this production will be about 50 percent of the uranium
17 produced in the United States. So, as you can see, this is
18 an important commodity to the State of Wyoming to the
19 economy.

20 Projections indicate that the production could be
21 as much as 9 million pounds by the year 2000. If you look
22 back at the projects in Wyoming, a quick summary of that
23 shows that there's three operating in situ sites, one in
24 situ site that's about ready to go into production anytime,
25 several proposed in situ projects, several reclamation

1 projects at conventional mills, and two proposed
2 conventional mines.

3 At this point we're going to change gears a little
4 bit by providing a brief overview of the types of uranium
5 operations licensed by the NRC. These include in situ
6 leaching, uranium mill tailings reclamation, and
7 conventional milling, including standby status. Rich
8 Ziegler is going to cover the last two types of operations,
9 and I'm going to give a quick overview of the in situ mining
10 process.

11 If you look at the screen, it's probably different
12 than your book, but the orebody definition by drilling
13 should be the first thing. You need to go out and find
14 where the uranium is first. A lot of drilling goes into
15 delineating where the ore body is. After it's located,
16 geophysical logging's completed, the well fields are laid
17 out, and wells are installed. After the wells are
18 installed, the production operations begin, injection and
19 recovery of fluids, ion exchange, and then the precipitation
20 of yellowcake and the packaging. Some by-product materials
21 are dealt with and wastewater is disposed through deep well
22 injection, evaporation, land application, and discharge
23 under NPDES permits. The final step of the process is
24 groundwater restoration and surface reclamation and
25 decommissioning.

1 The next slide depicts and idealized in situ mine.
2 The uranium lies in sandstone aquifers anywhere from a
3 couple hundred feet underground to upwards of 1,000 feet in
4 Wyoming, and wells -- injection and production wells -- are
5 drilled into the ore body to aid in the extraction of the
6 mineral, and monitor wells are installed in zones adjacent
7 to it and usually above and below it.

8 The next slide has a little more detail of a row-
9 front uranium deposit, which is the type of deposit
10 typically in situ mined. It shows injection wells on the
11 outside with a production well in the middle. Basically the
12 process is nothing more than a large plumbing project where
13 native groundwater that's in the ground is circulated,
14 typically gaseous oxygen and CO2 are added to this solution
15 which dissolves the uranium out of the rock, typically a
16 tenth of a percent uranium by weight. It's pumped to the
17 surface and run through an ion-exchange column. Where,
18 similar to your home water softener, the uranium is taken
19 out and loaded on a resin. From there, it is eluted and
20 processed into the final product, which is yellow cake.

21 Then the next slide shows, to give you an idea of
22 what some of the facilities look like, well field
23 construction. These are when the wells are being put in,
24 minimal environmental disturbance. The second aerial shot
25 there shows an operating well field at the Highland Uranium

1 Project. The little houses are header houses where the flow
2 from the wells is collected.

3 The satellite plant shows the ion exchange columns
4 where the resin where the uranium is taken out of the
5 groundwater before it is refortified with oxygen and carbon
6 dioxide and reinjected into the ground.

7 The main plant site is where the uranium is
8 processed into the final product, yellow cake in the drum.
9 And then land application is just intended to show you what
10 the irrigation facilities look like where one of the common
11 practices is to irrigate your treated wastewater.

12 With that, I will turn it over to Rich Ziegler who
13 will cover the steps in conventional milling operations.

14 MR. ZIEGLER: Thank you, Bill.

15 I want to make sure that you, the Commission,
16 understands that we are the real miners. We are the
17 conventional miners.

18 [Laughter.]

19 MR. ZIEGLER: Today we will talk about the
20 conventional. There are a few of us left. As you are --
21 the brochure here indicates, the first one we would like to
22 discuss is the Sweetwater mill, it is up in Sweetwater,
23 Wyoming. Ours is located in Canyon City and there is one in
24 Blanding and Tikaboo.

25 But it is a typical, conventional mill. It has

1 the same principles as all conventional mills, a grinding
2 area, a leaching, a thickener or autoclave system which, in
3 turn, goes to a solvent extraction. For your information,
4 those buildings that you are looking at on your right are
5 what I am talking about, the grinding, leaching, thickener,
6 solvent extraction. And then we go into a precip, yellow
7 cake, and that is where it is produced. The residue goes
8 into the tailings impoundment. All of the conventional
9 mills are basically the same as that, as the next page
10 indicates.

11 The reclamation process, there are several steps
12 into it. We have to do the dewatering, continuous
13 dewatering. The leveling, which allows us to apply a radon
14 barrier, settlement, the radon barrier construction which
15 entails the erosion protection which is in a variety of
16 methods or forms, either through rocks on the side,
17 mulching, top-soiling, whatever it is, that is -- and then
18 final, what we are doing at our mill in Canyon City, the
19 final portion of it is the final groundwater cleanup. That
20 entails ACLs and limitations, deep well injection water and
21 things of that sort.

22 So that is pretty much on the conventional.

23 The one that you see now is a facility of the
24 UMETCO area at Gas Hills and in the top portion, this site
25 actually represents about 1200 acres. At the top, you can

1 see the above grade reclamation area. In the middle portion
2 is the heat leach that is covered. Both of those are
3 covered now. And currently what UMETCO is doing is
4 processing grade and the below grade, I believe.

5 MR. HAMRICK: Stabilizing materials or bringing
6 materials in there, in addition to doing s other things.

7 MR. ZIEGLER: But that's pretty much what the
8 conventional -- with that, I would like to turn it over to
9 Mr. Tony Thompson, who is going to discuss regulatory
10 issues.

11 MR. THOMPSON: Good afternoon.

12 I am going to just touch on some regulatory issues
13 that the uranium recovery licensees think are of some
14 importance. NRC recently undertook its strategic assessment
15 rebaselining initiative and in the context of that kind of
16 an approach to things, the uranium recovery licensees, in
17 their comments to NRC, suggested that since there were a lot
18 of issues on the uranium recovery side of the house that had
19 been addressed over time when they came up rather than as
20 part of a sort of strategic consideration, that it might be
21 time to consider some of these decisions and how they were
22 posing potential problems for uranium recovery licensees in
23 some sort of coherent, strategic fashion.

24 One of the concepts that we have been discussing
25 amongst the uranium recovery licensees are to prepare a

1 white paper to present to the Commission some of these
2 issues and their views on the issues with a view to,
3 perhaps, having the Commission take a fresh look at these
4 from a sort of strategic overview position.

5 The issues that I am just going to touch on today
6 are the issue of NRC jurisdiction over ISL well fields,
7 NRC's Uranium Recovery Branch effluent disposal guidance,
8 NRC's non-11e(2) disposal policy and the issue of concurrent
9 jurisdiction. Concurrent jurisdiction being concurrent
10 jurisdiction by non-agreement states over the
11 nonradiological components of 11e(2) byproduct material.

12 NRC asserted jurisdiction over ISL well fields
13 back around 1980 based on a memorandum from the legal
14 section at NRC. It has led to some duplicative regulatory
15 oversight between and among NRC, EPA and non-agreement
16 states. Traditionally, under the Atomic Energy Act, the AEC
17 and later NRC have not regulated uranium mining until the
18 source material is removed from its place in nature. That
19 is certainly so with respect to underground uranium mines
20 and surface uranium mines which really aren't regulated
21 until the source material reaches the mill site. However,
22 in the context of ISL operations, the material is regulated
23 underground before it gets to the surface and before it
24 achieves the .05 percent concentrations of licensable source
25 material.

1 Basically, the assumption here was that processing
2 the ISL leaching process underground is essentially the same
3 as the process of processing the ore on the surface in a
4 conventional mill. Now, that has posed some problems for us
5 when we look at the issues associated with staff guidance on
6 effluent disposal. And, also, with the non-11e(2) policy as
7 I will indicate.

8 Process waste from ISL operations are treated as
9 11e(2) byproduct material but the wastes from restoring the
10 ore body, that is the underground ore body, are treated as
11 mine waste and therefore are not 11e(2) byproduct material.

12 So the surface sludges that are created by the
13 process wastewater and the surface sludges created by the
14 restoration wastewater are, although the same thing, in fact
15 treated differently. And part of that is, I guess, because
16 deciding that -- and here is where some of the illogic comes
17 in -- that processing the underground ore body in the ISL
18 context, the contaminants that are built up in the ore body
19 are not 11e(2) byproduct material. So when you are
20 restoring it, it is mine waste. Whereas, the contaminants
21 that build up in the ground, leaching from a mill tailings
22 facility, are 11e(2) byproduct material.

23 So we have a situation where frequently at ISL
24 facilities, for example, restoration fluids and process
25 fluids go into the same radium, barium settlement ponds and

1 therefore there is a mixture of sludges which is 11e(2) and
2 non-11e(2) or norm, which is not subject to Atomic Energy
3 Act jurisdiction. So we have some potential conflicts here
4 that make the, as we will see when we go to look at the non-
5 11e(2) disposal policy, they make both the operators of the
6 conventional facilities and the ISL operators nervous.

7 Under criterion two in 10 CFR Part 40, Appendix A,
8 the wastes from the 11e(2) byproduct material from ISL
9 operations is supposed to go to and be disposed of in
10 uranium tailings facilities. There was a concern with the
11 non-11e(2) byproduct material policy that if things that
12 weren't 11e(2) were put into mill tailings impoundments that
13 DOE might balk at taking title or states or EPA or others
14 might assert jurisdiction over those facilities. And what
15 we have seen now is that some of the wastes that have come
16 from ISL operations are clearly under the definitions we
17 have now mine waste norm and not 11e(2) byproduct material
18 and they are already in the mill tailings facilities.

19 So it concerns the operators of the ISL facility
20 because they want to have someplace to send their waste. It
21 concerns the operators of the conventional facilities
22 because they don't want to have anything interfere with
23 their ability to terminate their licenses.

24 Finally, all of these issues, we think, are likely
25 to be compounded by the concurrent jurisdiction issue.

1 Recognizing that NRC, of course, traditionally, and AEC
2 before it has preempted on health and safety issues
3 associated with radiation. However, in the Mill Tailings
4 Act amendments to the Atomic Energy Act, Congress explicitly
5 directed EPA and NRC to regulate both the radiological and
6 nonradiological components of 11e(2) byproduct material
7 produced by uranium recovery operations.

8 CHAIRMAN JACKSON: Let me make sure I understand.
9 Have there been problems to date or are you
10 anticipating problems?

11 MR. THOMPSON: There have been some problems to
12 date and basically what has happened is that particularly
13 with respect to groundwater where you may be able to say,
14 well, we see a nonradioactive contaminant like sulfates,
15 even a nonhazardous contaminant, that is moving from the
16 groundwater that was as a result of production operations at
17 a conventional facility, with the non-agreement state having
18 concurrent jurisdiction over that, there is concern that NRC
19 may not want to terminate a license if we comply with NRC
20 requirements but the agreement state isn't satisfied.

21 Secondly, there have been indications from several
22 agreement states -- non-agreement states, excuse me, that
23 because the cover on the tailings facility is also there to
24 inhibit infiltration which would impact groundwater
25 contamination over the 200 to 1000 year time frame, that

1 they are entitled to look at the surface stabilization plans
2 of the facilities as well. And basically the concern here
3 is that we are going to get into a dilemma where we can't
4 make a decision where we have a situation where the NRC
5 says, and in fact the NRC says maybe we can't terminate this
6 license even though you have complied with our regulatory
7 requirements because we don't want to turn over a site to
8 DOE where DOE has a concern that a state may be asserting
9 some claim of jurisdiction.

10 We believe that there is -- it was even in the NRC
11 legal memorandum in 1980 considered a close question. We
12 believe that the answer is better that there is preemption
13 on the part of NRC.

14 It raises some questions about the viability of
15 the agreement state program if, indeed, non-agreement
16 states, without making these commitments, can insert
17 themselves into these regulatory decisions and it certainly
18 is going to increase the difficulty in closing sites. Some
19 of the more controversial sites, some of them in Utah, that
20 are getting a fair amount of publicity now, there may be
21 problems trying to go to final closure.

22 Those are some of the important issues that we
23 think may well be worth taking a fresh look at, not just
24 looking at the decisions as they were made at the time.
25 But looking at where we are now and where things are now as

1 part of a strategic overview.

2 The last issue I was just going to mention is that
3 we had -- I say "we," the uranium recovery industry had
4 requested that the Commission modify its proposal on the
5 draft decommissioning and decontamination standards to
6 include not just uranium mill tailings but uranium recovery
7 facilities because they were comprehensively regulated. And
8 if, as we hoped, that rule is final, we appreciate the fact
9 that the Commission and the staff at the Commission listened
10 to our concerns and we are always appreciative of that.

11 Thank you.

12 CHAIRMAN JACKSON: Commissioner Rogers?

13 COMMISSIONER ROGERS: No, I have no questions.

14 CHAIRMAN JACKSON: Commissioner Dicus?

15 COMMISSIONER DICUS: I would like to go back to
16 the statement that you made, to be sure I understand it,
17 about the concurrent jurisdiction raising questions about
18 the validity and viability of the agreement state program.
19 If I see if I understand what you are trying to say here, in
20 an agreement state, obviously, it would have total
21 responsibility for both the radiological and nonradiological
22 and are you saying that, in effect, it would never get in
23 conflict with itself?

24 MR. THOMPSON: Yes.

25 COMMISSIONER DICUS: Okay, but the requirements

1 that it might have for the nonradiological could be the same
2 as in a nonagreement state and still hold up the termination
3 of a license, would it not? I am not sure I see where it
4 really undermines the validity and viability of the
5 agreement state.

6 MR. THOMPSON: Well, I guess it is just that the
7 agreement states take on the responsibility for addressing
8 the whole range of issues and their standards to some
9 greater or lesser extent are the same as NRC's. And
10 ultimate sign-off on the sight is by NRC to approve of the
11 agreement state license termination for transfer to DOE. We
12 have a concern that, for example, a non-agreement state who
13 declines to take title to the facility, wants it to go to
14 DOE, could be in a position of after NRC signs off on the
15 license, regulating that facility. Whereas, presumably, an
16 agreement state is looking at the program, is part of the
17 NRC program, part of the UMTRCA program, all the way across
18 the board. And while those kinds of regulatory issues do
19 come up, it suggests that if an agreement -- a non-agreement
20 state can come in and review your stabilization plan and
21 inhibit the NRC from terminating a license, that -- if you
22 have a dispute with your agreement state about license
23 termination, that is between you and your regulator. But
24 you are not dealing with your regulator, you are dealing
25 with a third party that is sticking their nose into it, in a

1 sense.

2 MR. HAMRICK: And I think the point of it is
3 essentially under those terms, Tony, that the non-agreement
4 state then essentially is given the same authority as an
5 agreement state in terms of license termination. That is
6 where we see that the issue comes in, where the challenge,
7 kind of, to the program is.

8 MR. THOMPSON: And on the preemption issue,
9 traditionally at least, and certainly it has been applied
10 primarily to the radiation protection context, the
11 legislative history and all of the case law and everything
12 say it is going to be one of two entities they are going to
13 regulate, either an agreement state or the NRC and not a
14 third entity.

15 CHAIRMAN JACKSON: So your specific recommendation
16 in the case involving non-agreement states then is?

17 MR. THOMPSON: The recommendation is to reconsider
18 the opinion or the guidance and suggest that in the case of
19 uranium recovery licensees under the Mill Tailings Act the
20 NRC does preempt because it is explicitly given authority to
21 regulate the nonradiological constituents. It is the only
22 set of licensees under the whole NRC jurisdiction that are
23 given that authority by statute.

24 CHAIRMAN JACKSON: Okay, so then let me make sure
25 I understand. So the recommendation is drawing on UMTRCA.

1 MR. THOMPSON: Yes.

2 CHAIRMAN JACKSON: You would like the NRC, the
3 Commission, to reconsider the issue of federal preemption?

4 MR. THOMPSON: Yes.

5 CHAIRMAN JACKSON: Okay, I just wanted to be sure
6 I understood.

7 COMMISSIONER DICUS: And again, this isn't
8 something that has happened but you perceive could happen.
9 Or has it happened?

10 MR. THOMPSON: It is happening.

11 CHAIRMAN JACKSON: It has happened?

12 MR. THOMPSON: Yes.

13 CHAIRMAN JACKSON: Maybe if you could propagate
14 some examples to us, that would be helpful.

15 Commissioner Diaz?

16 COMMISSIONER DIAZ: No questions.

17 CHAIRMAN JACKSON: Commissioner McGaffigan?

18 COMMISSIONER McGAFFIGAN: It is really on the same
19 point. Are there any impediments on the statute? You
20 basically just answered that the statute would allow what
21 you believe the policy should be. Indeed, you have just
22 said that the statute would encourage us to regulate both
23 the radiological and nonradiological component?

24 MR. THOMPSON: It requires NRC and EPA to regulate
25 both the radiological and nonradiological and it creates a

1 new -- the statute creates a new type of byproduct material,
2 that being the 11e(2) byproduct material, which is the waste
3 from uranium.

4 COMMISSIONER McGAFFIGAN: But once it says NRC and
5 EPA and EPA's agent, typically, on groundwater issues is the
6 state, and so it sounds like the statute may well set up
7 this multiple -- multiple regulation problem.

8 I am trying to figure out whether this is a policy
9 issue within our control to do something about or whether
10 you all really need to go and get the statute amended.

11 MR. THOMPSON: I think that we -- we are fairly
12 well convinced that the statute provides the authority, that
13 the statute was directed at a particular source term,
14 uranium mill tailings. It created a byproduct material that
15 is to be regulated explicitly under this statute. It
16 explicitly directs EPA to set generally applicable
17 environmental standards for radiological and nonradiological
18 hazards. NRC is to conform its standards to EPA's generally
19 applicable standards which NRC has done and therefore NRC
20 and EPA, under the Atomic Energy Act are directed to
21 regulate and to provide a level of protection that is
22 essentially equivalent to that provided for hazardous
23 constituents under RCRA. That is in the statute.

24 COMMISSIONER McGAFFIGAN: So why haven't the -- if
25 the statute is clear and a problem has arisen where a state

1 is exercising authority that you believe it may not have,
2 why hasn't -- has that been taken to a court?

3 MR. THOMPSON: It has not been taken to a court as
4 yet and that is certainly one possibility. Essentially, I
5 think we have been told that one way to address this is to
6 have this case taken to court.

7 One of the things we are considering is whether or
8 not bringing this along with some other issues to the
9 Commission for a fresh look might make more sense than some
10 licensee fighting it out in a particular court somewhere.

11 CHAIRMAN JACKSON: Anything else?

12 Well, do you have any final comments you wish to
13 make.

14 MR. HAMRICK: Yes, we do have a little wrap-up
15 here, Chairman Jackson, and we do appreciate, Chairman
16 Jackson and Commissioners, your time here today, and we
17 want -- we think that this can be very mutually beneficial,
18 an ongoing communication with the Commission similar to the
19 communication and communications that we've had with the
20 staff. We are in process, the National Mining Association
21 and our various groups of investigating further these
22 issues, and we would like perhaps the opportunity to present
23 the white paper to the Commission on the issues as we see
24 it.

25 In conjunction with that, if that's something the

1 Commission would entertain, we'd like to reiterate our
2 invitation to the Commissioners individually or in groups to
3 come out and see some of our facilities. It could be that
4 perhaps some Commission business may take you to Denver or
5 to Salt Lake City or something like that that may be an
6 opportunity to arrange visits out to some of our facilities,
7 and we would very much like to bring you out and show you
8 the facilities as they are on the ground, so to speak, with
9 the attendant issues and things that can be perceived
10 directly. And so we think that those things would kind of
11 proceed in parallel perhaps, you know, perhaps a visit at
12 some point, and perhaps if that was possible what we would
13 suggest is that Katie Sweeney of NMA perhaps get with your
14 staffs and talk schedule, if that's something that could
15 happen. One thing though, we would like to remind the
16 Commission that a lot of these sites are in this middle of
17 nowhere, and weather can be a consideration when you want to
18 visit.

19 COMMISSIONER DICUS: Summer; summer.

20 MR. HAMRICK: June through August. Perhaps into
21 September.

22 CHAIRMAN JACKSON: They can go in September.

23 MR. HAMRICK: Yes. I'm sure the Wyoming Mining
24 Association here could even, if called upon, could entertain
25 us with a few jokes about Wyoming weather, but we'll perhaps

1 leave that for the visit.

2 Maybe that's where, if you have no further
3 questions, that's perhaps where we can leave it. We do
4 appreciate your time, and if you have questions, we're more
5 than happy to respond with whatever we have, because these
6 are issues that we have spent a lot of time thinking about,
7 and dealing with in a practical manifestation out in the
8 field.

9 CHAIRMAN JACKSON: Yes, Commissioner McGaffigan.

10 COMMISSIONER MCGAFFIGAN: Could I ask one
11 question? When is the white paper going to be ready to
12 submit to the Commission? You said you've been working on
13 it for some time. When would that be available, because I
14 think it would be --

15 CHAIRMAN JACKSON: Is it done?

16 MR. THOMPSON: No.

17 MR. HAMRICK: No, it's not done.

18 COMMISSIONER MCGAFFIGAN: Because it would
19 actually be more useful in terms of some of these legal
20 issues to have the white paper than the briefing slots.

21 MR. HAMRICK: Perhaps the fall, early fall,
22 something like that is what we're looking at as far as --

23 MR. LAWSON: Let me just conclude then by saying
24 that until we meet again, I put a magazine at each of your
25 places, and I've entered your names on my circulation, so

1 you'll be seeing a little bit about the mining industry
2 every two months from now on.

3 CHAIRMAN JACKSON: Well, thank you. I think I'd
4 like to thank each of you collectively and individually from
5 the National Mining Association, Uranium Producers of
6 America, the Wyoming Mining Association, and the individual
7 licensee entities. It's been a very informative
8 presentation, and I'm sure the information will be of value.

9 I echo Commissioner McGaffigan's comments. In
10 fact, it was part of my closing remarks anyway, so to
11 invite -- that's sort of a form of Federal preemption --
12 invite you to submit the white paper to the Commission. The
13 more timely way you can submit it, the more apt it is to
14 weigh into any deliberations we have on these various
15 topics. I think it's important to lay out carefully what
16 you think the case is based on existing statutes for Federal
17 preemption by the NRC under UMTRCA, and how one gets at the
18 issue that Commissioner McGaffigan raised as to States being
19 EPA's agents with respect to the groundwater issue.

20 So, unless there are further comments, questions,
21 we're adjourned.

22 [Whereupon, at 2:56 p.m., the briefing was
23 concluded.]

24
25

CERTIFICATE

This is to certify that the attached description of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING: BRIEFING BY NATIONAL AND WYOMING
MINING ASSOCIATIONS - PUBLIC MEETING

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: Tuesday, May 13, 1997

was held as herein appears, is a true and accurate record of the meeting, and that this is the original transcript thereof taken stenographically by me, thereafter reduced to typewriting by me or under the direction of the court reporting company

Transcriber: Christopher Cutchall

Reporter: Mark Mahoney

**AGENDA FOR URANIUM RECOVERY BRIEFING
MAY 13, 1997
ROCKVILLE, MARYLAND**

1. INTRODUCTIONS (20 MINUTES)

- LICENSEE INTRODUCTIONS (PRESENTERS AND COMPANY REPRESENTATIVES)

ATTENDEES: Fred Craft, Vice President of Operations, Yellow Stone Fuels, U.S. Energy
John Hamrick, Manager of Health, Safety and Environmental Affairs, Umetco and Chairman, NMA Uranium Environmental Subcommittee
John Indall, Counsel, Uranium Producers of America
General Richard L. Lawson, President & CEO, National Mining Association
William Kearney, Environmental Superintendent, Power Resources
Oscar A. Paulson, Facility Supervisor, Kennecott
Michelle Rehmman, Environmental Manager, International Uranium (USA) Corporation
Crew Schmitt, President & CEO, Power Resources and President, Uranium Producers of America
Katie Sweeney, Associate General Counsel, National Mining Association
Anthony J. Thompson, Attorney, Shaw, Pittman, Potts & Trowbridge and NMA Counsel
Juan Velasquez, President, United Nuclear
Richard D. Ziegler, Executive Vice President, Cotter Corp. and Chairman, NMA Uranium Policy Council

- MEETING INTRODUCTION/INDUSTRY OVERVIEW (Lawson/Hamrick/Schmitt/Kearney)

2. TYPES OF URANIUM OPERATIONS (10 MINUTES)

- IN SITU LEACH (Kearney)

- CONVENTIONAL FACILITIES (Ziegler)

-- OPERATING/STANDBY
-- RECLAMATION

3. REGULATORY ISSUES (20 MINUTES)

(Thompson)

- NRC JURISDICTION OVER ISL WELLFIELDS
- NRC EFFLUENT DISPOSAL GUIDANCE
- NRC GUIDANCE ON DISPOSAL OF NON-11e(2) BYPRODUCT MATERIAL IN TAILINGS IMPOUNDMENTS
- CONCURRENT JURISDICTION OVER THE NON-RADIOLOGICAL COMPONENTS OF 11e(2) BYPRODUCT MATERIAL

4. SUMMARY (TIME REMAINING)

- QUESTIONS FROM THE COMMISSION
- FOLLOW-UP ISSUES
- THANKS/INVITATIONS TO VISIT FACILITIES
- PROPOSE NEXT MEETING DATE

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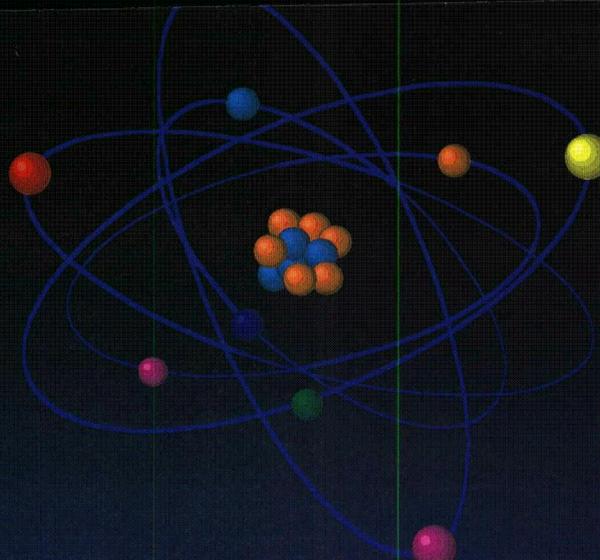
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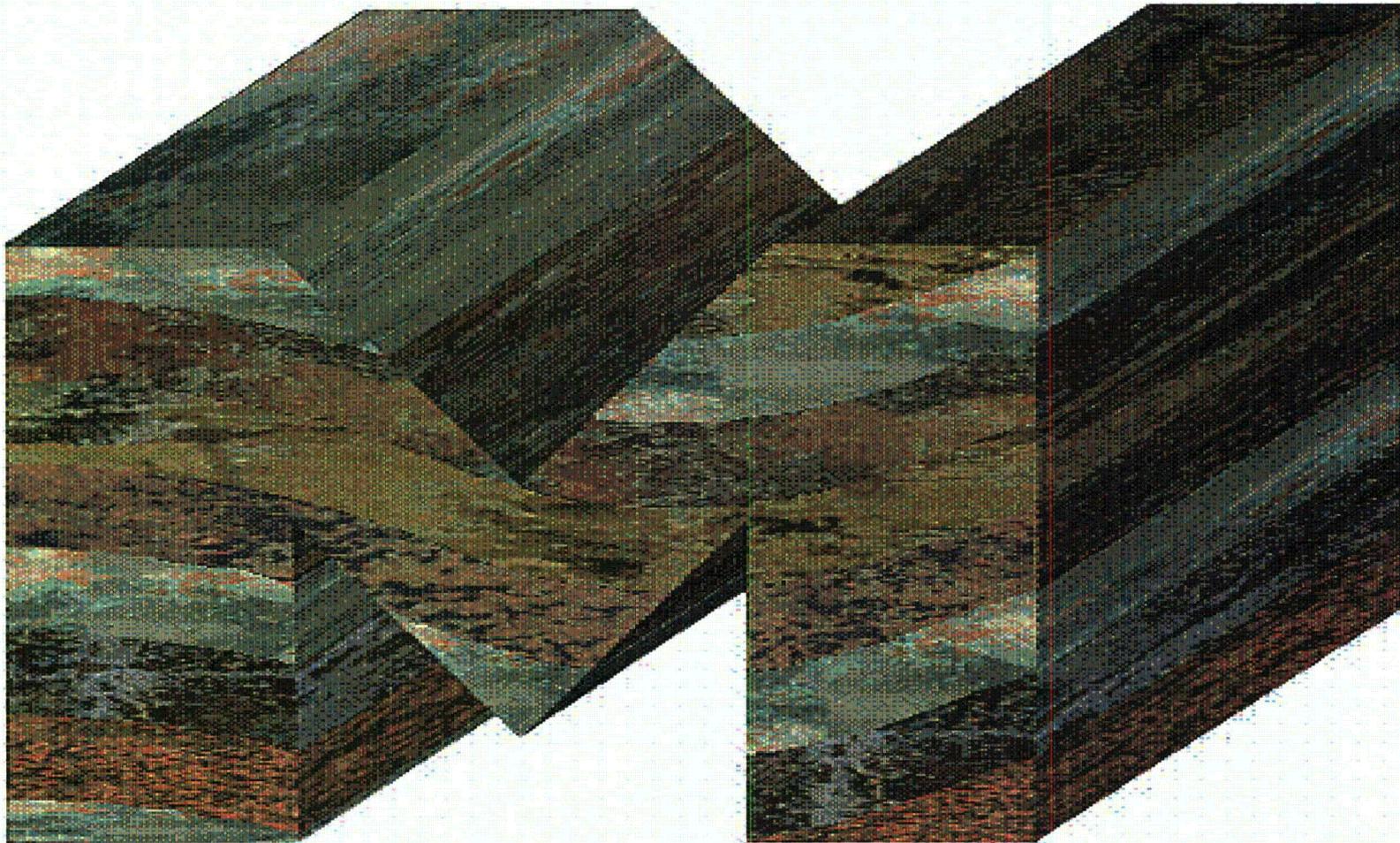
URANIUM BRIEFING

May 13, 1997

Rockville, Maryland

NMA/WMA/UPA

THE NATIONAL MINING ASSOCIATION (NMA)



THE NATIONAL MINING ASSOCIATION'S URANIUM POLICY COUNCIL

- History
- Membership

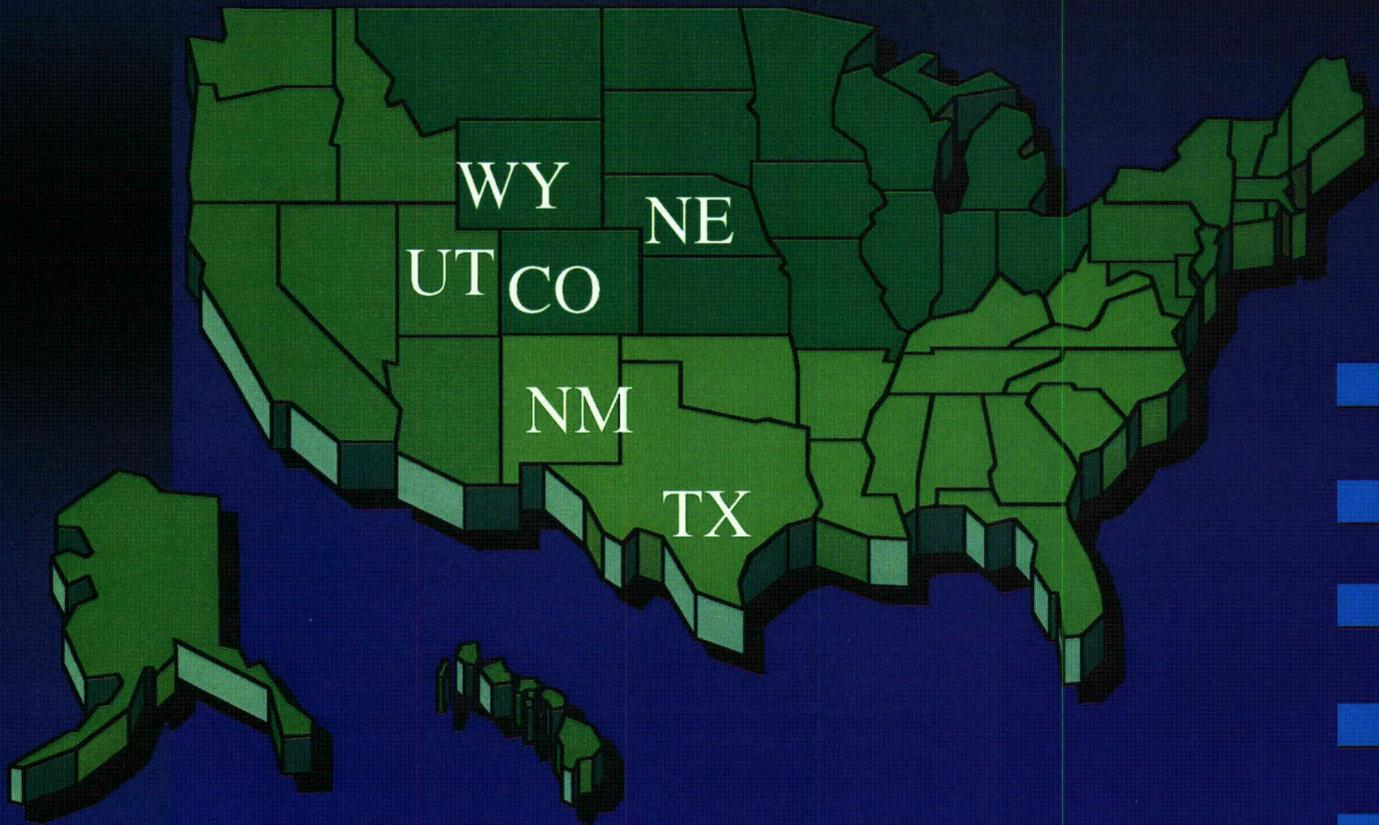
History of the Uranium Policy Council

- ESTABLISHED IN THE LATE 1970S
- REPRESENT NMA MEMBERS ON A FULL RANGE OF REGULATORY, LEGISLATIVE AND LITIGATION ISSUES AFFECTING ITS NRC LICENSEE MEMBERS.

MEMBERSHIP OF THE UPC

- Licensees that are no longer producing uranium but are in the process of reclamation and license termination
- Producers of uranium by conventional milling processes
- Producers of uranium by in-situ leaching
- Producers of uranium as a byproduct of other primary production activities (i.e., phosphate production)

LOCATION OF URANIUM RECOVERY LICENSEES



- WYOMING
- NEBRASKA
- COLORADO
- NEW MEXICO
- TEXAS
- UTAH

IN SITU LEACH FACILITIES

Key ISL Projects

ACTIVE

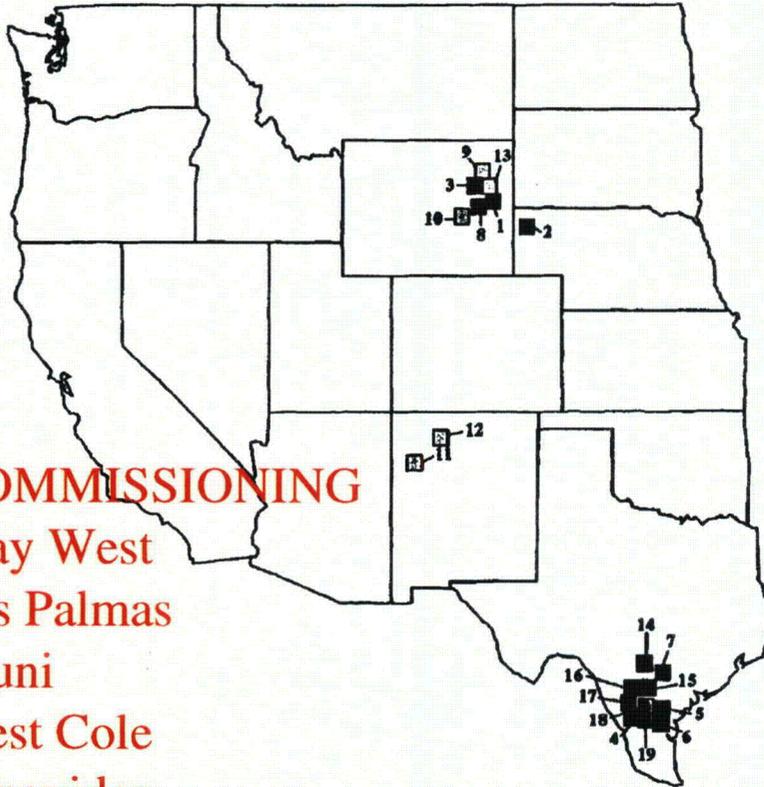
- 1 Highland (PRI)
- 2 Crow Butte
- 3 Irigary/Christensen
- 4 Holiday - El Mesquite
- 5 Rosita
- 6 Kingsville Dome
- 7 Hobson

DEVELOPMENT

- 8 Smith Ranch
- 9 North Butte
- 10 Gas Hills (PRI)
- 11 Churchrock (URI)
- 12 Crown Point
- 13 Reno Creek

DECOMMISSIONING

- 14 Clay West
- 15 Las Palmas
- 16 Bruni
- 17 West Cole
- 18 Benavides
- 19 Tex 1

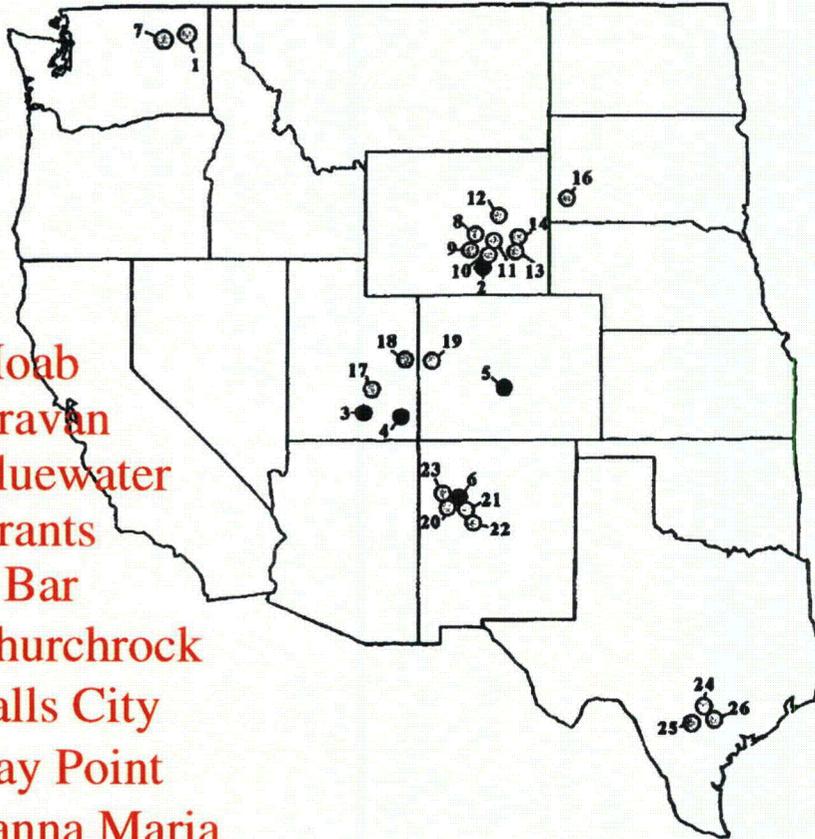


CONVENTIONAL MINE/MILL FACILITIES

● STANDBY

● DECOMMISSIONING

18 Moab
19 Uravan
20 Bluewater
21 Grants
22 L Bar
23 Churchrock
24 Falls City
25 Ray Point
26 Panna Maria



1 Ford
2 Sweetwater
3 Shootering
4 White Mesa
5 Canyon City
6 Ambrosia Lake
7 Sherwood
8 Lucky Mc
9 Split Rock
10 Gas Hills (ANC)
11 Gas Hills (UMETCO)
12 Bear Creek
13 Shirley Basin
14 Petrotomics
15 Highland (Exxon)
16 Edgemont
17 Lisbon

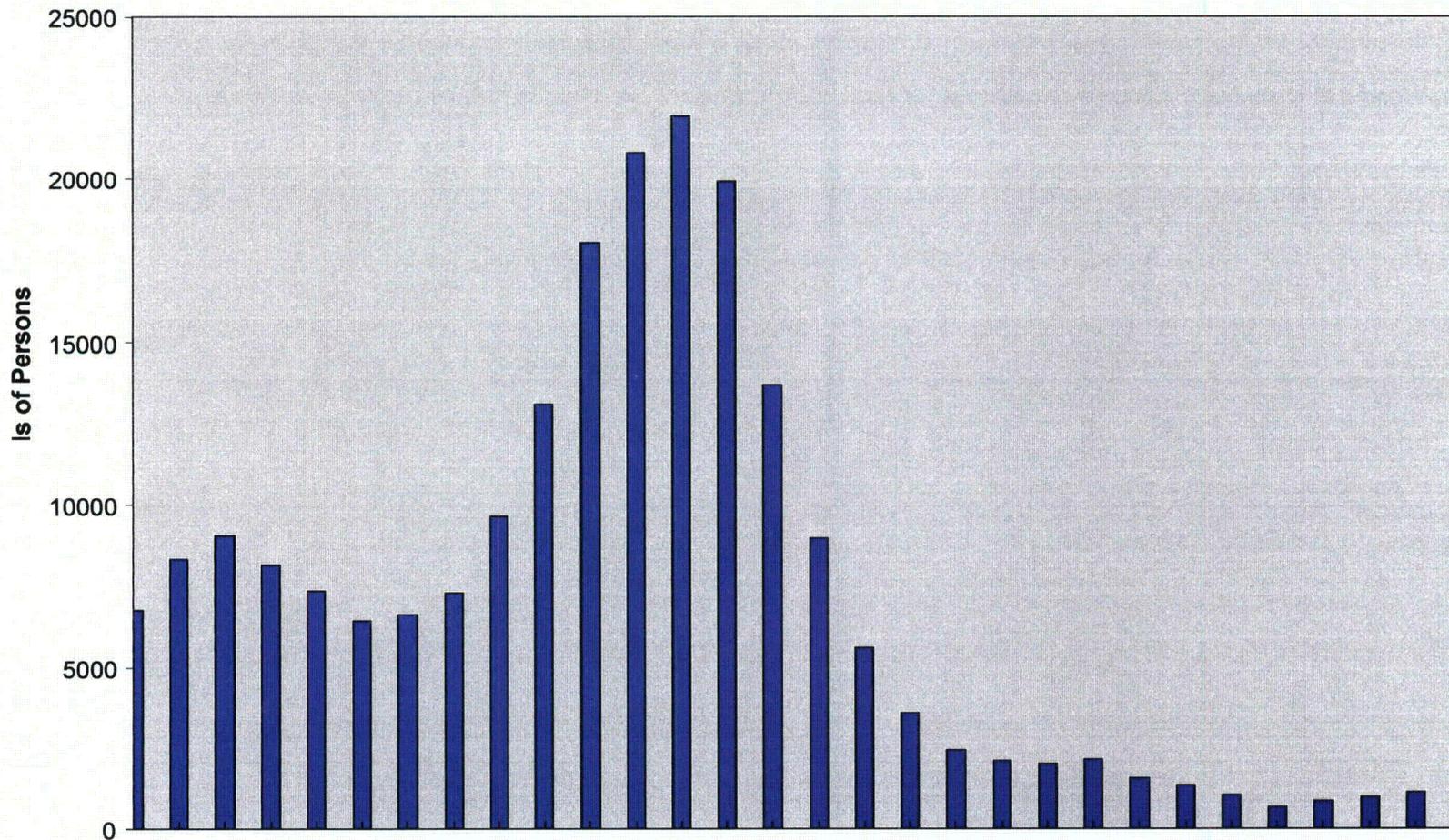
INDUSTRY RELATIONSHIP WITH NRC STAFF

- EXCELLENT WORKING RELATIONSHIP
- NOT ALWAYS AGREEMENT BUT ALWAYS WILLINGNESS TO LISTEN
- SOME POLICY ISSUES CANNOT BE RESOLVED AT STAFF LEVEL

URANIUM PRODUCERS OF AMERICA

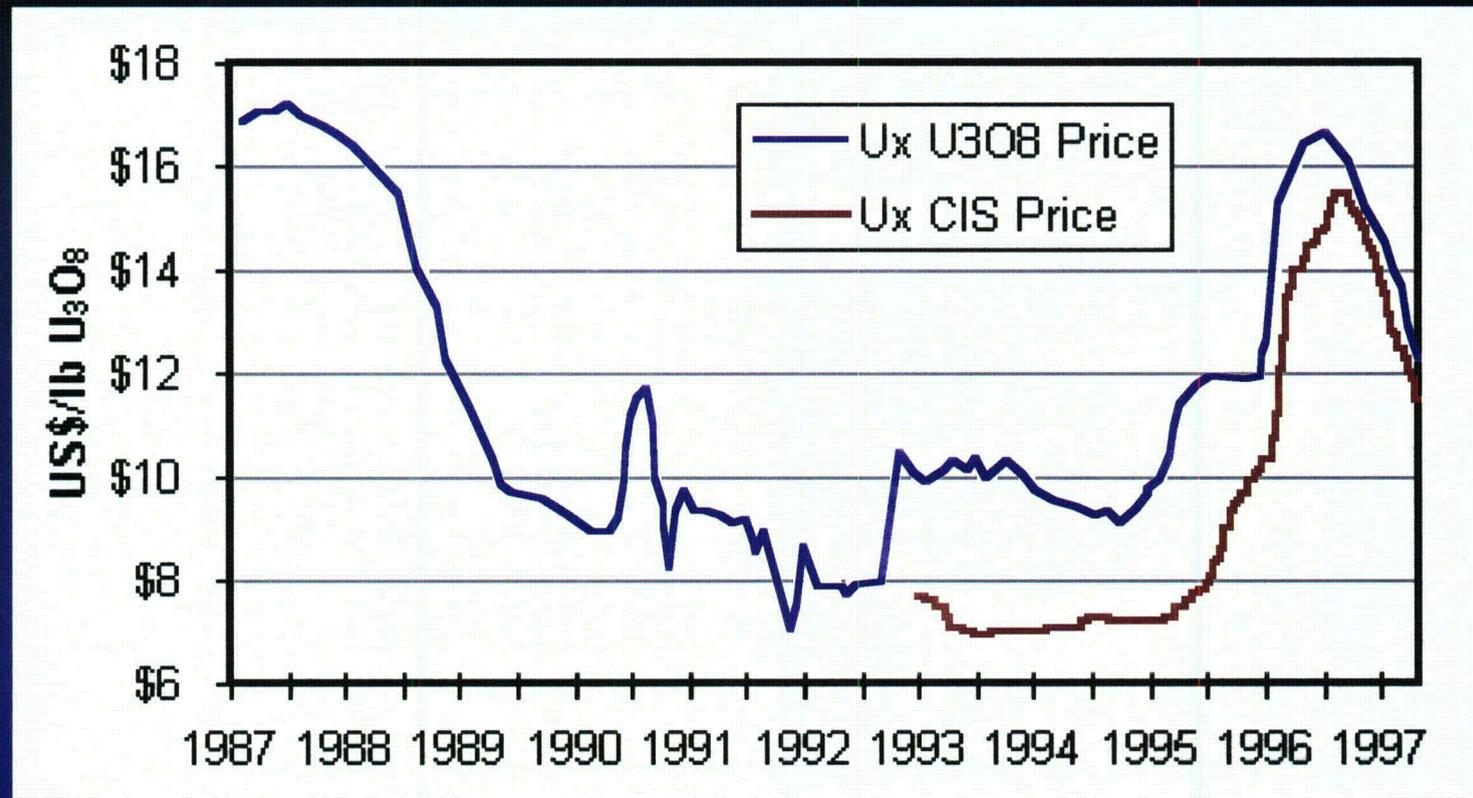
- INTRODUCTION
- ECONOMIC DATA
 - ◆ HISTORIC PRODUCTION
 - ◆ EMPLOYMENT
 - ◆ FUTURE PRODUCTION/ECONOMIC OUTLOOK

Employment in the Uranium Industry, 1967-1995



Compiled from DOE/EAI-0478 Annual Report

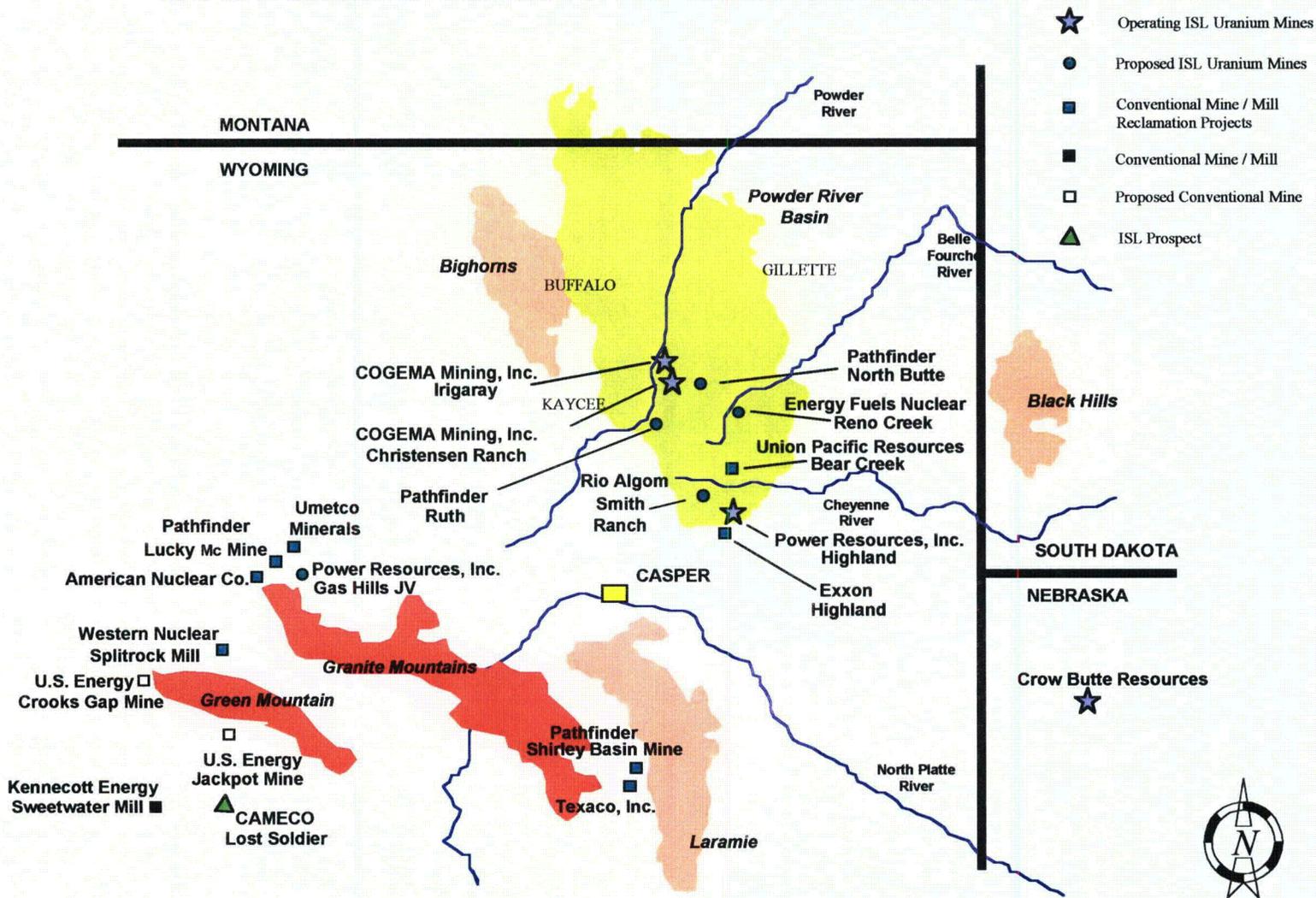
UX U3O8 vs. CIS Prices: 1987- 1997



WYOMING MINING ASSOCIATION

- INTRODUCTION
- DISCUSSION OF SITES

URANIUM PROJECTS IN WYOMING



65 kM

TYPES OF URANIUM OPERATIONS

- IN SITU LEACHING
- URANIUM MILL TAILINGS RECLAMATION
- CONVENTIONAL MILL (ON STANDBY)

IN SITU LEACH OPERATIONS

■ WELLFIELD INSTALLATION

■ URANIUM PRODUCTION OPERATIONS

- ◆ injection/recovery
- ◆ ion exchange extraction and concentration
- ◆ yellowcake precipitation and packaging

OREBODY DEFINITION BY DRILLING

- ◆ wastewater and byproduct material disposal
 - ◆ deep well injection
 - ◆ evaporation
 - ◆ land application
 - ◆ discharge under NPDES permit

■ GROUNDWATER RESTORATION

IN SITU LEACHING GENERAL ARRANGEMENT

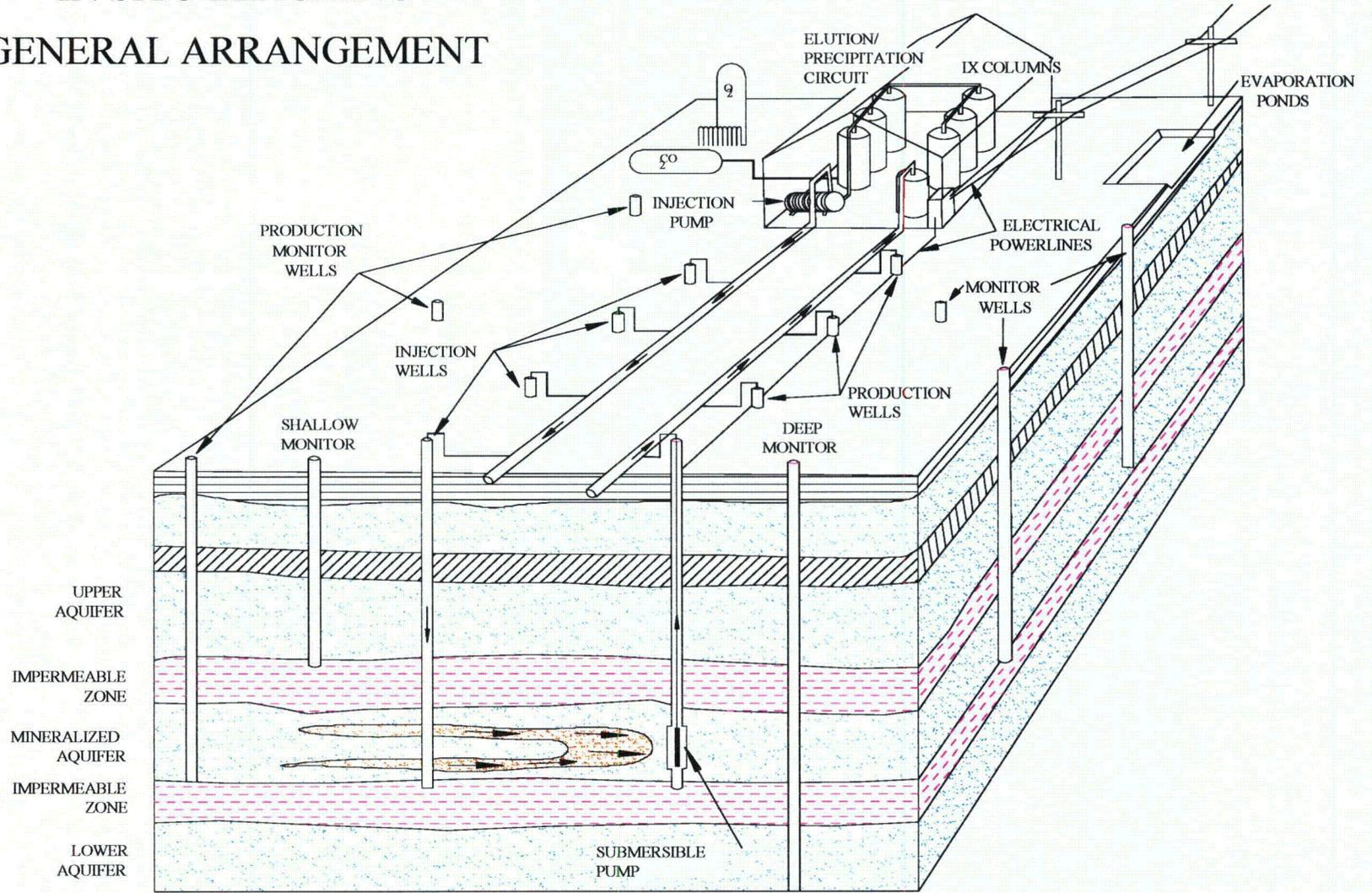
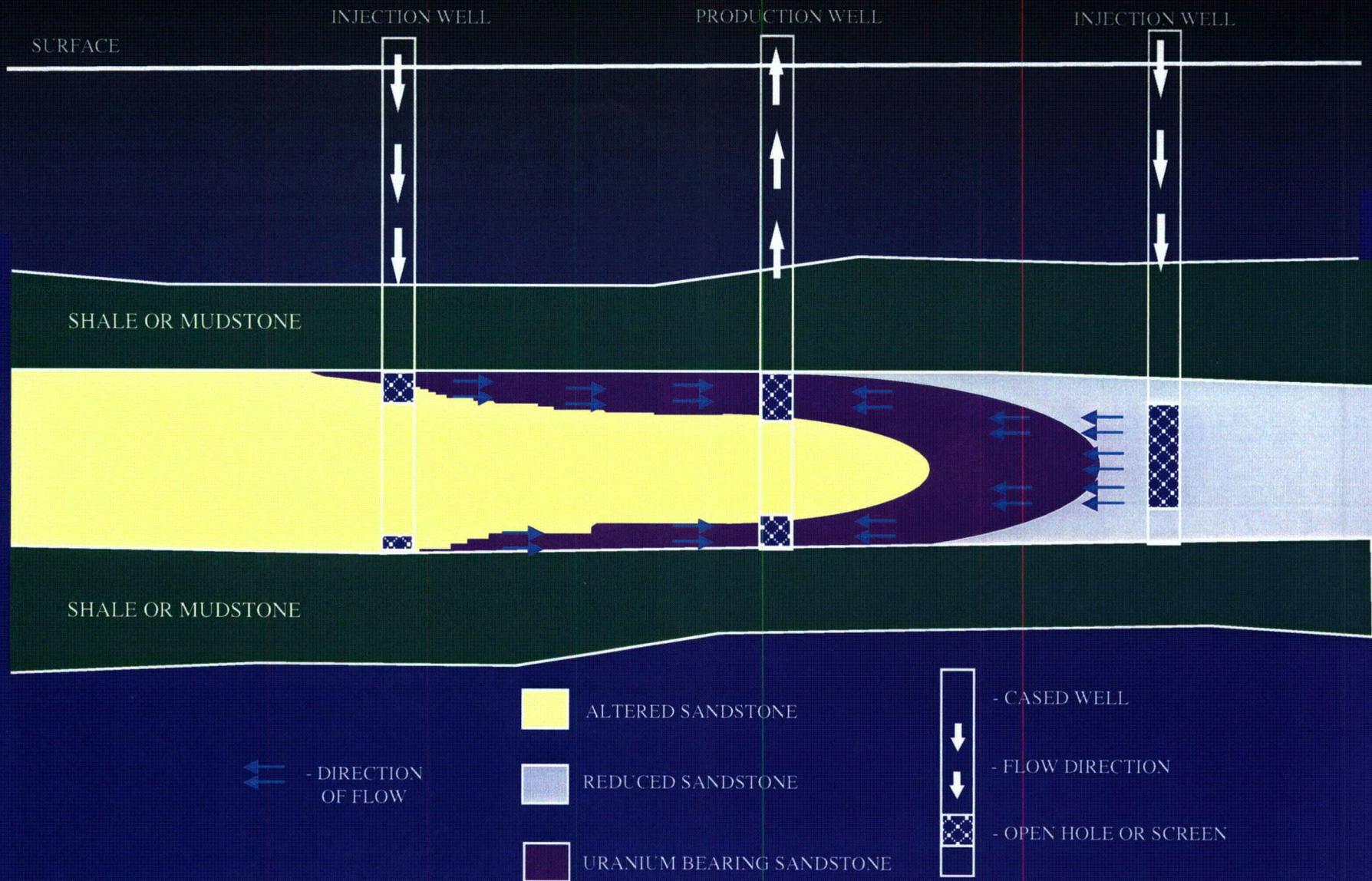


Figure 2

TYPICAL
INJECTION & RECOVERY
WELL COMPLETION INTERVALS



IN SITU LEACH (ISL) OPERATIONS

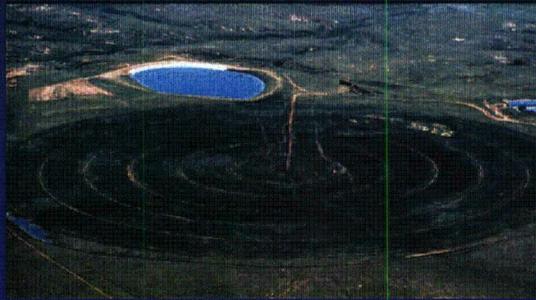
Wellfield Construction



Operating Wellfield



Land Application



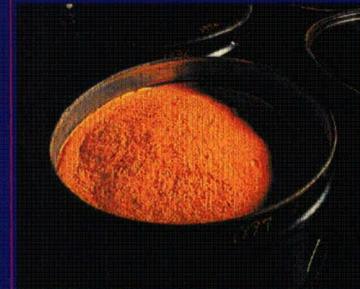
Satellite Plant



Main Plant



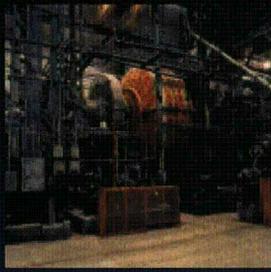
Yellowcake



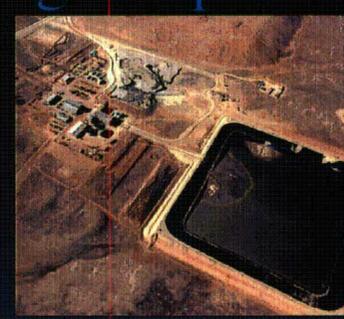
STEPS IN CONVENTIONAL MILLING



Grinding



Leaching



Thickening



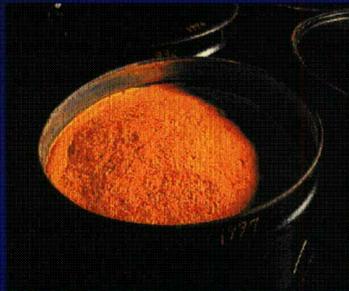
Solvent Extraction



Precipitation



Yellowcake



TAILINGS RECLAMATION

MILL TAILINGS RECLAMATION OPERATIONS

■ RECLAMATION STEPS

- ◆ Dewatering
- ◆ Leveling
- ◆ Settlement
- ◆ Radon Barrier Construction
- ◆ Erosion Protection
- ◆ Final Groundwater Cleanup



- ◆ UMETCO
- ◆ Gas Hills Site
- ◆ 1995

REGULATORY ISSUES
AFFECTING
URANIUM RECOVERY
FACILITIES

NRC's Strategic Assessment Rebaselining Initiative (SARI)

- Provoked NMA to consider request for strategic assessment of issues impacting uranium recovery licensees
- Over time NRC has addressed a variety of issues that affect uranium recovery licensees on an ad hoc basis as they arise, rather than as part of a coherent, strategic assessment
- Result is inconsistent and confusing regulatory applications that have both short and long term implications for licensees, NRC, DOE and Agreement States

URANIUM RECOVERY ISSUES IN NEED OF STRATEGIC ASSESSMENT

- ISL JURISDICTION
- EFFLUENT DISPOSAL GUIDANCE
- NON 11(e)2 DISPOSAL POLICY
- CONCURRENT JURISDICTION

ISL JURISDICTION

- NRC'S ASSERTION OF JURISDICTION OVER ISL WELLFIELDS HAS LED TO DUPLICATIVE REGULATORY OVERSIGHT BETWEEN AND AMONG NRC, EPA AND NON-AGREEMENT STATES
- URANIUM BEING REMOVED FROM THE WELLFIELD IS NOT LICENSABLE SOURCE MATERIAL UNTIL IT REACHES THE ION EXCHANGE TANK AND YET THE ORE BODY IS NOT 11E.(2) BYPRODUCT MATERIAL

STAFF GUIDANCE ON EFFLUENT DISPOSAL

- TREATS PROCESS WASTES AS 11.E(2) BYPRODUCT MATERIAL, BUT TREATS RESTORATION WASTES AS NON-11E.(2) MINE WASTES
- THE SURFACE WASTES GENERATED BY PROCESSING THE ORE BODY FOR ITS SOURCE MATERIAL CONTENT ARE 11.E(2) BYPRODUCT MATERIAL, BUT CONTAMINATION IN THE ORE BODY IS NOT

EFFLUENT GUIDANCE CON'T

- WASTE GENERATED BY RESTORING THE ORE BODY IS NOT 11.E(2) BYPRODUCT MATERIAL BECAUSE THE ORE BODY IS NOT BEING PROCESSED FOR ITS SOURCE MATERIAL CONTENT
- RADIUM/BARIUM SLUDGES IN THESE PONDS ARE A MIXTURE OF 11.E(2) AND NON-11.E(2) BYPRODUCT MATERIAL (I.E., NORM)
- THE LATTER IS NOT SUBJECT TO NRC JURISDICTION UNDER THE AEA/UMTRA

NON-11E(2) DISPOSAL POLICY

- ISL 11E.(2) WASTES ARE DISPOSED OF IN URANIUM MILL TAILINGS IMPOUNDMENTS
- NON 11E.(2) WASTES ARE NOT TO BE DISPOSED OF IN SUCH FACILITIES PURSUANT TO THE "FINAL REVISED GUIDANCE ON DISPOSAL OF NON-ATOMIC ENERGY ACT OF 1954, SECTION 11E.(2) BYPRODUCT MATERIAL IN TAILINGS IMPOUNDMENTS"

NON-11E(2) DISPOSAL POLICY CON'T

- NUMEROUS TITLE II URANIUM MILL TAILINGS IMPOUNDMENTS HAVE TAKEN SLUDGES FROM ISL FACILITIES WHICH INCLUDE NON-11.E(2) MATERIALS IN VIOLATION OF THE POLICY

CONCURRENT JURISDICTION

- NRC LEGAL GUIDANCE SUGGESTS THAT NON-AGREEMENT STATES HAVE CONCURRENT JURISDICTION WITH NRC OVER THE NON-RADIOLOGICAL COMPONENTS OF 11E.(2) BYPRODUCT MATERIAL
- NON-AGREEMENT STATES HAVE INSERTED THEMSELVES INTO THE GROUNDWATER CORRECTIVE ACTION PROCESS AT TITLE II URANIUM FACILITIES

CONCURRENT JURISDICTION CON'T

- ADDITIONALLY, STATES HAVE INSERTED THEMSELVES INTO THE REVIEW AND APPROVAL OF SURFACE STABILIZATION PLANS
- RESULT IS REMINISCENT OF THE MIXED WASTE DILEMMA

CONCURRENT JURISDICTION CON'T

- RAISES QUESTIONS ABOUT THE VALIDITY AND VIABILITY OF THE AGREEMENT STATE PROGRAM
- RAISES QUESTIONS ABOUT THE LONG TERM INTEGRITY OF NRC LICENSE TERMINATION DECISIONS UNDER UMTRCA
- INCREASES DIFFICULTY AND COST OF DISPOSING OF WASTES GENERATED EITHER BY CONVENTIONAL OR ISL ACTIVITIES

PROPOSED FINAL DECOMMISSIONING RULE

PROPOSED FINAL RULE RADIOLOGICAL
CRITERIA FOR DECOMMISSIONING
TREATS CLEANUP AT URANIUM
RECOVERY OPERATIONS IN A SENSIBLE
AND SCIENTIFICALLY SUPPORTABLE
MANNER AND IS IN KEEPING WITH THE
NRC'S MISSION TO PROTECT THE PUBLIC