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MEMORANDUM FOR: Project M-25 Record

THRU: Hubert J. Miller
 Uranium Recovery Licensing Branch
 Division of Waste Management

FROM: Dan E. Martin
 Uranium Recovery Licensing Branch
 Division of Waste Management

SUBJECT: MINUTES OF MEETING WITH AMERICAN
 MINING CONGRESS (AMC)

Purpose

The meeting was held, in response to an AMC request, for the purpose of providing AMC representatives with current information on the status, course, and schedule of the GEIS and associated proposed regulation changes.

Place and Date

USNRC, Willste Bldg, Room 474, Monday, March 31, 1980, at 3:00p.

Attendees

AMC - Jeff Zimmerman
 Edward McGrath
 Charles Slider

NRC - Ross A. Scarano
 Hubert J. Miller
 Dan E. Martin

Summary

At 3:00p the meeting was convened with all listed attendees present. Zimmerman passed out copies of an agenda (copy attached) to identify the topics AMC wished to discuss and asked for comments. Scarano identified item "2" on the agenda (potentially involving discussion of what specific substantive changes might be made in the proposed regulations) as one where discussion would have to be limited for reasons of fairness. From this point on the meeting essentially consisted of NRC responses to AMC requests for information. The following information was provided to AMC:

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- Miller described the volume of public comments received and identified their sheer bulk as a problem.
- At Scarano's request, Martin described the mechanical procedures being employed to identify, categorize, synthesize, and respond to public comments. Zimmerman remarked that the procedure seemed "extremely rational" and should assure that comments are not missed. Scarano stated that there would be a complete "paper trail" identifying the treatment of each comment, and described the iterative review process.
- Martin stated that the majority of comments were being handled in-house and that NRC would bear the final responsibility for all responses generated.
- McGrath said that the purpose of the meeting was assessment of current status; Zimmerman inquired as to the current status of preparation of responses. Martin said some had been prepared and some had not.
- Miller said other NRC offices such as the Office of the General Counsel and the Office of Policy Evaluation would review the product and that the Commission would have the benefit of their views in making its final determination.
- Martin said target date for initiation of internal review process among other offices was early June, that the target date for submittal to the Commission was early July, that the tentative publication date for the GEIS was late August, and that the publication of the regulations was scheduled 60 days later to allow for a mandatory GAO review.
- Scarano commented that the Commission was not committed to a definite review period, that our final publication dates were thus tentative, and that we intended to send the entire package to the Commission at one time.
- Scarano clarified the fact that our present intentions are to publish the GEIS and regulation changes in final form, without further public input or review by Agreement States.
- Scarano identified the need to allow Agreement States sufficient lead time to allow incorporation of our regulations in State statutes prior to November 8, 1981 (so as to maintain continuity of their Agreement State status under the UMTRCA) as being a determining factor in the GEIS schedule. Martin stated that although we would not be seeking comment or advice from the Agreement States we might

OFFICE ➤	take action as appropriate to provide them with advance notice as to the expected final regulation changes.			
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- Zimmerman commented that CEQ regulations would require a minimum 30-day delay between any final EIS publication and an agency action. Zimmerman asked whether NRC interpreted this to require 30 days following the final GEIS before regulations could even be promulgated (i.e., does promulgation of regulations before they become effective constitute an action.) Miller stated that NRC would likely not consider promulgation as the "action".
- Zimmerman asked as to any plan to incorporate land cleanup criteria similar to those in draft EPA remedial action criteria. Scarano said no and explained that we were leaving that up to EPA.
- Zimmerman inquired as to the possibility of EPA regulation of mills under the Clean Air Act requirements. Scarano said he did not foresee that at the moment but that EPA may eventually add a radon limit to 40 CFR 190.
- Miller stated that we had written concurrence from EPA as to compatibility of our proposed regulation changes with RCRA standards, as required by the UMTRCA, and that we did not consider further concurrence would be necessary. Scarano stated that EPA had not been critical of our proposed regulations; Miller added that EPA's remedial action criteria were largely based on the draft GEIS. Scarano said he did not anticipate any significant inconsistencies because EPA and NRC are working with the same data base.
- Scarano said that we did not anticipate any major changes in regulations. Miller commented that new information becoming available has not markedly changed past perspectives, but that new information would be included and that the Final GEIS would have changes. Scarano said that nothing had really "fallen apart" and needed to go "back to the drawing boards".

The above items constitute the points of discussion related to the GEIS directly. Further discussion on other issues is summarized below:

- McGrath inquired as to Miller's recent hearing experience in Harrisburg on the proper S-3 entry for radon. Miller summarized by saying that he saw no problems as long as our radon limit became effective promptly, without significant alteration, but that elimination of the radon limit for any reason would essentially re-open all proceedings.

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- McGrath elaborated at some length as to the need to make the MILDOS code publicly available and inquired as to the status of that effort. Miller responded that our current plan is to achieve MILDOS availability, with adequate user guidance, in about one month.

The meeting was ended at about 4:30p.

Original Signed By:

Dan E. Martin
 Uranium Recovery Licensing Branch
 Division of Waste Management

Attachment:
 AMC Meeting Agenda

Mag II Card #5895, #206033, & #312756

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Agenda for Meeting
March 31, 1980
American Mining Congress
and Division of Waste
Management, Office of Nuclear
Material Safety and Safeguards
U.S. Nuclear Regulatory Commission

This meeting will be limited to the following topics concerning Project M-25, the Generic Environmental Impact Statement on Uranium Milling (GEIS) and the proposed amendments to the uranium mill licensing regulations, 10 CFR Parts 30, 40, 70, 150 and 170:

1. Schedule and mechanism for Staff and NRC review of the comments on the draft GEIS proposed regulations;
2. Issues identified by Staff that (1) do not require further study, (2) require further study and (3) require supplementary public input before publication of revised GEIS and regulations;
3. Coordination of Staff review of draft GEIS, proposed regulations and comments with EPA, particularly in relation to EPA regulation of radionuclides under the Clean Air Act and inactive mill site standards;
4. Procedural coordination with "Agreement" states in review of draft GEIS proposed regulations and comments;
5. Manner and timing of review with other federal, state, and local governmental agencies;
6. Schedule for publication of revised GEIS and revised regulations; and
7. Potential effective date final regulations.

Minutes of the meeting and a list of those attending will be prepared. When agreement is reached by NRC and AMC that the minutes and list accurately reflect the participants and discussions at this meeting, copies of the minutes will be placed in the Public Dockets for Project M-25 and the proposed uranium mill licensing regulations, 10 CFR Parts 30, 40, 70, 150, and 170.