



URANIUM RECOVERY BRIEFING

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Issues of Concerns

- Risk Informed Regulations
- Fees
- National Historic Preservation Act Section 106 Process
- Radon Guidance
- NRC/EPA Jurisdiction under UMTRCA and EPA's Part 192 Rulemaking
- Regulation of Ablation Technology

Risked Informed Regulations and Fee Issues

- Risk Informed Regulations
 - Focus of NMA July 26 Presentation to the Commission
 - Focus on issues that are of low risk results in higher fees and waste of both staff and industry resources
 - Investigate ways to reduce fees by streamlining regulatory processes
- Fee Issues
 - Focus of NMA September 16 Presentation to the Commission
 - Lack of cost containment and insufficient billing details
 - NMA pleased with Commission vote and direction on UR pilot fee program

National Historic Preservation Act

Section 106 Process

- Some improvements over time
 - Still overly difficult process to navigate
 - Earlier initiation does not seem to impact overall length of process
 - Need firm timeframes for the various steps in the consultation process
 - Should be greater acknowledgement that the Section 106 regulations provide for the agency to delegate Section 106 responsibilities to the applicant, while remaining responsible for all required findings and determinations
- CEQ Handbook – “NEPA and NHPA: A Handbook for Integrating NEPA and Section 106”
 - Practical advice and recommendations for completing both processes in a timely manner

Radon Guidance

- Discussed this issue as an example of failure to adopt risk-informed regulations/policies at July 26, 2016 presentation
 - Still problematic issue
 - Discussions with staff continued in September to try to find path forward
 - Future meetings being planned

NRC/EPA Jurisdiction under UMTRCA and EPA's Part 192 Rulemaking

UMTRCA defines the agencies' roles

- EPA has general standard setting authority
- NRC (or agreement states) implement and enforce

Part 192 Rulemaking

- Lack of evidence of problem or risk
- Failure to acknowledge data collected by other agencies
- Failure to acknowledge existing federal and state programs governing groundwater
- Conflation of excursions and harm

Regulation of Ablation Technology

- NRC staff advisory opinion on ablation as “milling”
 - NRC Staff States “the term byproduct material is defined by an action, not the characteristics of the waste”
 - Contrary to SRM-SECY-99-277
 - “Byproduct Material” is defined by the intent of an action, not the action itself
 - Primary purpose of ablation is to dissociate uranium mineralization from sands or other ores to minimize tailings at uranium mills – it is not to extract or concentrate source material from ores primarily for their source material content
 - If any NRC license is needed, it should be a simple source material license