

## Subpart W Public Quarterly Conference Call

July 6, 2010

### Attendees

Reid Rosnick

Angelique Diaz

Paul Carestia (CCAT)

Sharyn Cunningham (CCAT)

Sarah Fields (Uranium Watch)

Oscar Paulson (Kennecott)

Scott Charmin (Uranium One)

Joe Brisner(?) (Cameco Resources)

Larry Teahon (Cameco Resources - Crowe Butte)

Jan Johnson (Tetrattech)

### Reid – Update

- Presentations over the past 3 months
  - White Mesa Subpart W – while there toured the White Mesa Mill (on Website)
  - NMA/NRC Uranium Recovery Workshop presentation on Subpart W (on Website)
  - Webinar similar to face to face presentations made (on process and issues when revising rule) – will be posted on the web, along with questions and answers.
- E-mail address added to the website, specific to Subpart W work ([subpartw@epa.gov](mailto:subpartw@epa.gov)). Body of e-mail will be posted to website, without names. Reid will do his best to reply to e-mails but may not be able to respond to all of them.
- Automatic notifications of newly posted items
- Contractor Work Assignments
  - Comparison of new risk assessment to previous risk assessment.
    - In the process of getting the work assignment approved.
    - Contractor in process of putting together QA plan
    - Will be on website
    - Evaluating best code (model) for performing risk assessment, then will move on into the risk assessment
  - Economic Impact Analysis – contractor will gather data to complete this
    - Includes EJ, Children's Health, etc.
    - Status – not directly overseen by Reid, moved to a staff economist
    - Within the month into contracts administration and on to approval
- Radon Flux at ISL Evaporation Ponds
  - Data not up, and hope to have it up in the next few weeks
  - Draft documentation and data show that there is radon flux from evaporation ponds from ISL facilities, but there is no exceedance of current standard
  - Document will explain the process, including the calculations, explanation of what we did, etc.

### **Questions/Discussion**

Oscar Paulson: “Final Report Review of ...Technologies” – sent Reid a meeting on 6/3 regarding some discrepancies in the data in the report compared to Kennecott Sweetwater.

Reid: Had a brief conversation with the contractor. Contractor is aware of the issue. Reid needs to get back to the contractor.

Oscar: Kennecott has extensive data on Ra-226 in tailings and the S. Cohen report does not agree with those numbers.

Reid: Will get back to the Contractor

Joe Brisner: Is the contractor all the same and who is it?

Reid: Harry Pettengill is the contractor manager and with S. Cohen. Same contractor for all the assignments

Sarah Fields: Has the applicability of Subpart W to heap leach facilities come up and how is it being addressed?

Reid: Has been EPA’s belief since late 2008 that heap leach would belong under Subpart W. We have had brief discussions among workgroup members on how we would regulate it because more transitory unit than a conventional mill tailings impoundment. We will expand the rule to look at three types of units we are looking at: conventional, ISL pond, and heap leach. At this point we feel that different standards will need to be applied to each facility type so that they are as protective. Reid hopes to put the Dr. Baker paper on charcoal canisters on water on the website.

Sarah Fields: What type of discussion has EPA had about addressing radon flux from other aspects of conventional mills, such as ponds, contaminated soils, ore pads, etc.

Reid: The question has been asked before and in many instances there are already regulations on the books that cover the emissions you have mentioned.

Sarah: Confirmatory sampling/monitoring – something she thinks should be happening by EPA to verify radon flux measurements.

Reid: That is a requirement for “existing impoundments”, annual report includes the data.

Sarah: There is no additional monitoring of rads at the perimeter

Oscar: 100 mrem/year dose limit to the public according to NRC – which includes radon.

Sarah: EPA has to clarify when a tailings impoundment comes out from under the reporting requirements in Subpart W. (Some background on Subpart T and closure) Two different tailings impoundments, one in UT and one CO where there are no reclamation milestones present. Thinks EPA needs to look into rescission of the Subpart T.

Angelique: NRC or the Agreement State is the overseeing agency for closure of impoundments.

Oscar: In the case of the Agreement State, the rules and regulations governing reclamation milestones. The primary responsibility is the Agreement State.

Angelique: Closure of impoundments and milestones is not relevant for Subpart W, but we will clarify definitions, including “closure” and when impoundments are no longer subject to Subpart W.

Reid: Subpart T is something we can look at and tuck away for future rulemakings, but at this point we are dealing with operating mills.

Sarah: Brings it up, because the impoundment dries out and emissions can increase when closure begins. Can't just look at Subpart W in isolation.

Reid: We will address your concerns. We will look at definitions of closure and satisfy you with respect to your question, including the definition of “final closure” and what requirements should be present prior to final closure.

Paul Carestia: “The fact the releases are taking place and no one is being held accountable”

Some discussion on how the 100 mrem/year modeling is done for 6-month projects. Continuous monitoring for gamma, particulates, and radon, generally at the boundary, but could be closer. Data submitted to NRC/Agreement at the end of each 6-month period.

Paul: Can you see how convoluted these rules are for something that is “so dangerous”. What seems to be done is piecemeal.

Reid: When you are in a situation where there is more than one agency regulating there is the possibility for confusion. By going back through this we are trying to eliminate as much confusion as possible. We have to do what Congress tells us to do. We have to try to make it as simple as possible while making it protective. We have a sense of where both the public and industry are on this. We are trying to make this as straight forward as possible.

Paul: Concerns over model and data and accuracy and of both.

Oscar: Security guard on site. When sleeping alongside fence he's a member of the general public. There are two radtrack detectors in his trailer to measure his radon dose, it is not modeled. They choose to measure instead of model.

Jan Johnson: RSO for Dawn Mining Company (as a contractor from Tetrattech) in Washington State

Sharyn Cunningham: Comment – one of the concerns we have is that during closure period, when radon is increasing, the radon flux test required may not fall when water is off the impoundment. During review, she hopes we keep in mind that some care needs to be taken to monitor Rn emissions during that closure period.

Reid: Valid point.

**Next 3 Months (Next Call – Oct 5 2010, 11am EST)**

- Reviewing contractor QA plan and QA report on how they will attempt to do the risk assessment.
- Review of risk assessment model and why from contractor