

**OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
RESULTS OF PERIODIC REVIEW OF REGULATORY GUIDES**

*(This review was conducted in December 2018, and reflects the staff's plans as of that date.
These plans are tentative and are subject to change)*

Regulatory Guide Periodic Review

Regulatory Guide Number: **3.11, Revision 3**

Title: **Design, Construction, and Inspection of Embankment Retention Systems at Uranium Recovery Facilities**

Office/Division/Branch: **NMSS/DUWP/URMDB**

Technical Lead: **Doug Mandeville**

NRC Staff Action Decided: **Reviewed with issues identified for future consideration**

1. What are the known technical or regulatory issues with the current version of the Regulatory Guide (RG)?

This RG was issued in 2008 and provides guidance on the design, construction, and inspection of embankment retention systems at uranium recovery facilities. The RG provides guidance on how applicants and licensees can meet the regulations in 10 CFR Part 40, "Domestic Licensing of Source Material," and Appendix A, "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content," for 11e.(2) byproduct material generated at uranium recovery facilities.

This RG states that applicants and licensees should be aware of the U.S. Environmental Protection Agency's (EPA's) national remission regulations in Subpart W, "National Emissions Standards for Radon Emissions from Operating Mill Tailings," of 40 CFR Part 61, "National Emission Standards for Hazardous Air Pollutants." The RG provides an overview of the EPA's requirements. The U.S. Nuclear Regulatory Commission (NRC) staff is aware that the EPA revised those regulations, effective March 21, 2017. Therefore, the text in the RG does not reflect the current EPA regulations.

This RG should be updated to present EPA's current regulations under 40 CFR Part 61.

2. What is the impact on internal and external stakeholders of not updating the RG for the known issues, in terms of anticipated numbers of licensing and inspection activities over the next several years?

The NRC staff does not expect to receive any applications for a new uranium recovery facility in the next 4 to 5 years. One uranium recovery licensee could decide to construct, depending on market conditions, within the next 4 to 5 years. Therefore, there is no impact for the known issues on internal and external stakeholders.

- 3. What is an estimate of the level of effort needed to address identified issues in terms of full-time equivalent (FTE) and contractor resources?**

The estimated level of effort needed to address the identified issues is between 0.1 and 0.2 FTE.

- 4. Based on the answers to the questions above, what is the NRC staff action for this guide (Reviewed with no issues identified, Reviewed with issues identified for future consideration, Revise, or Withdraw)?**

Reviewed with issues identified for future consideration.

- 5. Provide a conceptual plan and timeframe to address the issues identified during the review.**

There are no plans to update this RG in the near future since the identified issues have no impact on applicants and licensees.

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