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To: [RulemakingComments Resource](#)
Cc: [Jennifer Opila](#); [Shiya Wang](#)
Subject: [External_Sender] Docket ID NRC-2008-0421 // State of Colorado Comments
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The U.S. Nuclear Regulatory Commission (NRC) is requesting views from interested stakeholders on whether the NRC should resume rulemaking to amend its regulations governing the domestic licensing of source material by codifying general requirements to address ground water protection at uranium in situ recovery (ISR) facilities.

Specifically the following questions were presented for comment:

- 1. If the NRC were to proceed with its ISR rulemaking that has been held in abeyance since 2010, the NRC would amend its current uranium milling regulations in appendix A to 10 CFR part 40 to add ISR-specific requirements. Should the NRC proceed with this rulemaking?*
- 2. Please identify any issues that should be addressed to protect groundwater at ISR facilities, in either this rulemaking or through the development of guidance documents.*
- 3. Please identify any issues that should be addressed to enhance public or occupational safety at ISR facilities, in either this rulemaking or through the development of guidance documents.*
- 4. Please identify any issues that should be addressed to establish a relatively uniform set of requirements for ISR facilities nationwide (both in Agreement States and in non-Agreement States).*

The State of Colorado would offer the following responses to the questions posed:

1. Colorado is of the opinion that the NRC should proceed with its rulemaking. The current regulatory structure that applies to Uranium milling is composed of language that is clearly intended for the operation of conventional uranium mills. There are significant differences between conventional and ISR operations and resultant environmental conditions and concerns. In order to provide a clear regulatory pathway to compliance for the regulators (both NRC and agreement state), the licensees, as well as members of the public ISR-specific requirements should be developed.

2.- 4. Colorado will reserve the right to comment on these issues during the future development of the draft document and through the normal review and comment process.

Sincerely,
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