

# PUBLIC SUBMISSION

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**Docket:** NRC-2020-0192

Consolidated Decommissioning Guidance, Characterization, Survey, and Determination of Radiological Criteria

**Comment On:** NRC-2020-0192-0001

Consolidated Decommissioning Guidance, Characterization, Survey, and Determination of Radiological Criteria

**Document:** NRC-2020-0192-DRAFT-0011

Comment on FR Doc # 2020-26876

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## Submitter Information

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## General Comment

This letter of comment is submitted on behalf of Travis Deti, Executive Director of the Wyoming Mining Association (WMA) who had problems accessing the docket on the Regulations.gov web site earlier today. His e-mail is tdeti@wyomingminning.org

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## Attachments

210408 WMA Comments RE Draft NUREG Consolidated Decommissioning Guidance



# WYOMING MINING ASSOCIATION

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**Subject: Draft NUREG-1757, Volume 2, Revision 2, *Consolidated Decommissioning Guidance, Characterization, Survey, and Determination of Radiological Criteria* - Federal Register / Volume 84, Number 13 /Friday, January 22, 2021 /Notices Docket ID NRC-2020-0192- Comments of the Wyoming Mining Association (WMA)**

The Wyoming Mining Association (WMA) is an industry association representing mining companies, contractors, vendors, suppliers and consultants in the State of Wyoming. Among its mining industry members are uranium recovery licensees, including conventional and in-situ uranium recovery operators, several companies planning new uranium recovery operations and several companies conducting final reclamation/groundwater restoration operations.

Wyoming is one of the leading uranium resource states in this country, however current production statistics cannot be provided since total uranium concentrate production in the United States for 2020 is unavailable. The Energy Information Agency (EIA) could not publicly release data for U.S. production of uranium concentrate (U3O8) in the fourth quarter of 2020 stating, "Domestic uranium production has declined considerably in recent years, and activity did not reach a threshold where a specific production figure could be published without violating the protections that Energy Information Agency (EIA) has committed to provide." (**Source:** Energy Information Agency (EIA) Domestic Uranium Production Report - Quarterly Fourth-quarter 2020; February 22, 2021 <https://www.eia.gov/uranium/production/quarterly/>)

With the above said, based upon prior years' production, it is estimated that Wyoming accounted for between 30 and 40 percent of the total uranium concentrate production in the United States.

The WMA has reviewed the draft NUREG-1757, Volume 2, Revision 2, "*Consolidated Decommissioning Guidance, Characterization, Survey, and Determination of Radiological Criteria.*" and has the following comments:

## **General Comments**

Decommissioning and reclamation related to licensed uranium recovery facilities is already adequately regulated via the industry specific regulation listed below:

10 CFR Part 40 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.*

This regulation is supported by specific NUREGS and regulatory guides including Interim Staff Guidance (ISGs) that include:

## **NUREGs**

NUREG-0706, Final Generic Environmental Impact Statement on Uranium Milling

NUREG-1569 Standard Review Plan for In Situ Leach Uranium Extraction License Applications;

[www.wyomingminning.org](http://www.wyomingminning.org)

NUREG-1620 Standard Review Plan for the Review of a Reclamation Plan for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act of 1978

NUREG-1623 Design of Erosion Protection for Long-Term Stabilization

NUREG-1910 Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities

NUREG-2126 Standard Review Plan for Conventional Uranium Mill and Heap Leach Facilities

### **Interim Staff Guidance (ISGs)**

NMSS-ISG-02 Interim Staff Guidance for Conducting the Section 106 Process of the National Historic Preservation Act for Uranium Recovery Licensing Actions

DUWP-ISG-01 Evaluations of Uranium Recovery Facility Surveys of Radon and Radon Progeny in Air and Demonstrations of Compliance with 10 CFR 20.1301

### **Regulatory Guides**

Regulatory Guide 3.8 - Preparation of Environmental Reports for Uranium Mills

Regulatory Guide 3.11 - Design, Construction, and Inspection of Embankment Retention Systems at Uranium Recovery Facilities

Regulatory Guide 3.11.1- Operational Inspection and Surveillance of Embankment Retention Systems for Uranium Mill Tailings

Regulatory Guide 3.46 - Standard Format and Content of License Applications, Including Environmental Reports, for In Situ Uranium Solution Mining

Regulatory Guide 3.51 - Calculational Models for Estimating Radiation Doses to Man from Airborne Radioactive Materials Resulting from Uranium Milling Operations

Regulatory Guide 3.56 - General Guidance for Designing, Testing, Operating, and Maintaining Emission Control Devices at Uranium Mills

Regulatory Guide 3.59 - Methods for Estimating Radioactive and Toxic Airborne Source Terms for Uranium Milling Operations

Regulatory Guide 3.63 - Onsite Meteorological Measurement Program for Uranium Recovery Facilities -- Data Acquisition and Reporting

Regulatory Guide 3.64 - Calculation of Radon Flux Attenuation by Earthen Uranium Mill Tailings Covers

Regulatory Guide 8.22 - Bioassay at Uranium Mills

Regulatory Guide 8.30 - Health Physics Surveys in Uranium Recovery Facilities

Regulatory Guide 8.31 - Information Relevant to Ensuring that Occupational Radiation Exposures at Uranium Recovery Facilities Will Be as Low as Is Reasonably Achievable

The above list demonstrates that the uranium recovery industry is adequately regulated.

### **Buried Materials**

Draft NUREG-1757 - Volume 2 - Revision 2 - *Consolidated Decommissioning Guidance, Characterization, Survey, and Determination of Radiological Criteria* contains Appendix J - *Assessment Strategy for Buried*

*Material.* Section J.3.1 *Modeling Buried Material Using RESRAD* discusses the application of RESRAD for evaluation of buried material. The Association would like to point out that the uranium recovery industry in Wyoming has documented experience in modeling buried material using RESRAD. Specifically, the Sweetwater Uranium Project licensed under SUA-1350, which effective October 1, 2018 is under the jurisdiction of the State of Wyoming's Uranium Recovery Program (URP), successfully excavated 233,268 cubic yards of 11(e).2 byproduct material between 2005 and 2006 placing the material in the site's tailings impoundment. The excavation work is thoroughly documented in the *Catchment Basin Excavation Completion Report* dated May 6, 2008 - ADAMS Accession Numbers ML081580085, ML081580086, ML081710278, and ML081710283. RESRAD was used to evaluate the backfilled excavation. The RESRAD evaluation can be found in *Source Material License No. SUA-1350; Docket Number 04008584 Response to Request for Additional Information (RAI)* dated November 19, 2008 dated January 28, 2009 - ADAMS Accession Number ML090400162. The RESRAD evaluation resulted in the release of the excavation in *Safety Evaluation Report License Renewal of the Kennecott Uranium Company Sweetwater Uranium Project, Sweetwater County, Wyoming* dated February 2018, ADAMS Accession Number ML18052B381 which states:

*In July 2006, the excavation of the catchment basin was completed, and the licensee submitted its Catchment Basin Excavation Completion Report in 2008 (KUC, 2008). The NRC staff reviewed the Completion Report and requested the licensee to perform a radium benchmark dose calculation (NRC 2008a). The Completion Report did not provide a radium benchmark dose calculation. The licensee subsequently provided three calculations (KUC, 2009). The first two calculations included the radiation dose for surface and subsurface (i.e., the radium benchmark dose). In the third dose calculation, KUC demonstrated that the dose to a critical group (i.e., residential farmer) standing on the top of the backfilled excavated area is below the radium benchmark dose defined in 10 CFR 40, Appendix A, Criterion 6(6). The NRC staff considered the possible impacts to a critical group due to some future activity (i.e., construction) that may cause soils to be removed from the bottom of the excavation and brought to the surface. Although this scenario is plausible, given the remoteness of the site, its industrial use, and the relatively small size of the excavation surface, the probability that soils will be removed from the excavation area and brought to the surface, thereby affecting the critical group, is very small. Therefore, NRC staff determined that the language in License Condition 9.10 should be revised to reflect remediation of the catchment basin.*

This case demonstrates the successful application of RESRAD to the release of a large, backfilled excavation.

The Wyoming Mining Association (WMA) appreciates the opportunity to comment on this draft NUREG. If you have any questions, please do not hesitate to contact me.

Best regards,



Travis Deti  
Executive Director

Cc: Katie Sweeney, National Mining Association