NUCLEAR ENERGY INSTITUTE

Felix M. Killar, Jr.
DIRECTOR,
Material Licensee Programs
Direct Line 202.739.8126
E-mail: fmk@nei.org

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REFERENCE: Comments on Draft Regulatory Guides DG-8026 ("*Health Physics Surveys in Uranium Recovery Facilities*") and DG-8027 ("*Information Relevant to Ensuring that Occupational Radiation Exposures at Uranium Recovery Facilities Will Be As Low As Reasonably Achievable*") Fed. Reg. Vol. 65, pp. 59473-59474 (October 5, 2000)

Dear Sir or Madam:

The Nuclear Energy Institute (NEI)[1] is pleased to submit the following comments on draft Regulatory Guides DG-8026 and DG-8027 pertaining to uranium recovery licensees. Both guides provide timely and useful updates of earlier Commission documents (Reg. Guides 8.30 and 8.31) and are written in a clear manner that should facilitate public understanding of means to implement the ALARA principle and of how health physics surveys are conducted at uranium recovery facilities.

The anticipated revision of regulations applicable to uranium recovery licenses to make them consistent with a risk-informed, performance-based regulatory philosophy may necessitate modification of the approach that is presented in these documents. For example, while §2.3 ('*Surveillance: Audits and Inspections*') of DG-8027 recommends daily walk-through (visual) and weekly inspections of the entire facility, upon completion of a risk assessment of the facility operation, less frequent inspections may be warranted or only limited process operations may require such frequent observation. We do note that much of the guidance is expressed using the

[1] NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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term "should", denoting that adherence to detailed procedures or standards is only recommended, but not mandatory. This provides a licensee with the flexibility to implement programs to meet regulatory performance goals without prescriptively specifying how the goals must be met. Section 4 of DG-8027 provides guidance on the control of airborne uranium from the processing of ores through conventional uranium mills (crushing, grinding, concentration, etc.). Domestic processing of uranium ores extracted from open pit or underground operations ceased many years ago due to the unfavorable economics of recovering U_3O_8 from low-grade ores. Although the few remaining conventional mills are unlikely to again process bulk ores, they may be used to process wastes from radioactively contaminated sites, such as those in the U.S. Army Corps of Engineers' FUSRAP program. DG-80327 makes frequent reference to Reg. Guide 3.5 ("*Standard Format and Content of License Applications for Uranium Mills*") when it should be referring to Reg. Guide 3.46 ("*Standard Format and Content of License Applications, including Environmental Reports, for In-Situ Uranium Solution Mining*").

The authors of DG-8026 may wish to rephrase the language of §§4.1-4.2 to incorporate the processing of such "*alternate feed materials*" (see, for example, SECY-99-0012) through conventional mills and the disposal of 11e.(2) byproduct materials in tailings impoundments. Finally, DG-8026 and DG-8027 do not specifically address the post-mining phase of *in-situ* uranium mines when groundwater is restored through pump-and-treat operations that include recovery of residual amounts of dissolved uranium from wellfield solutions. Separate guidance applicable to the decommissioning of uranium recovery facilities should address these activities.

We appreciate the opportunity to provide comments on DG-8026 and DG-8027. With expansion of the guidance to include the additional applications mentioned above, we believe both documents will be comprehensive, useful compendia of guidance information on safe practices for uranium recovery operations. NEI would be pleased to answer any questions that you may have with our comments.

Sincerely,

Clifford W. Fawell for

Felix M. Killar, Jr.