

May 1, 2002

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Chief, Rules and Directives Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Subject: Comments on Draft Standard Review Plan (NUREG-1620) for Staff Reviews of Reclamation Plans for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act Federal Register, Vol. 67, No. 24, Tuesday, February 5, 2002, page 5348

Dear Sir or Madam:

Rio Algom Mining LLC maintains three uranium recovery operations, all are licensees of the U.S. Nuclear Regulatory Commission. Two of those licensed operations are uranium mill tailings facilities located in New Mexico and Utah. Rio Algom would like to take the opportunity to provide comments on the draft NUREG-1620, "Standard Review Plan for Staff Reviews of Reclamation Plans for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act".

In general, the Draft SRP, NUREG-1620, provides a good basis for describing the general approach by NRC to the review and acceptance of reclamation plans for uranium mill tailings facilities. Revision 1, dated January 2002, incorporates most of the comments provided by Rio Algom and other commentators that were incorporated into the final version, dated June 2000. The most noticeable change from the June 2000 version to the January 2002 version is the incorporation of the Commission decisions that were summarized in Regulatory Issues Summary RIS 2000-23. The most significant decision being the NRC acceptance of exclusive pre-emptive jurisdiction over all radiological and non-radiological groundwater contaminants from uranium mill tailings facilities. Rio Algom believes that this acceptance of jurisdiction will benefit both the licensee and the public by ensuring that there is a single set of standards for meeting licensing and reclamation requirements.

Section 4.1.2 3(a) 6th Paragraph states the following:

"Non-radiological constituents that degrade the water quality and produce and impact on the designated water use beyond the proposed long-term care boundary must also be evaluated to determine whether they should be included in the license. The reviewer should consult with the appropriate non-Agreement State agency on the designated water use for the ground-water resource and any numerical limits the State has determined to be a hazard. Close coordination with the State may be needed to determine the need for including such constituents in the license, along with the evaluating the benefits and costs of potential mitigative measures."

Earlier in the SRP, it is stated that the NRC has exerted exclusive and pre-emptive Federal jurisdiction over 11(e).2 byproduct material including all radiological and non-radiological groundwater contaminants from uranium mill tailings facilities, while in the above language the agency instructs the reviewer to seek input from non-agreement states. This appears to be inconsistent with the intent of the decision presented in Staff Requirements Memorandum SECY 099-277 (NRC, 2000), by allowing the non-

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May 1, 2002

agreement state the potential ability to impose additional restrictions on a NRC licensee through this consultation.

As stated earlier, Revision 1 of NUREG-1620 incorporates the current NRC licensing and review practices for reclamation plans for uranium mill tailings facilities. Rio Algom believes that the exertion of exclusive and pre-emptive Federal Jurisdiction over 11(e)2 byproduct material, including radiological and non-radiological groundwater contaminants will benefit both the licensees and the public.

If you have any questions, please call me at (405) 858-4807.

Sincerely,

William Paul Goranson, P.E.
Manager, Radiation Safety, Regulatory
Compliance and Licensing

CC: Katie Sweeney, NMA
Marion Loomis, WMA