

Secy

**From:** Cox, Al (Grants) [ACox@barrick.com]  
**Sent:** Wednesday, May 07, 2008 7:25 PM  
**To:** Secy  
**Subject:** Homestake Comments on Proposed Decommissioning Rule - 73 Fed. Reg. 3812 (1/22/08)  
**Attachments:** HMC comment letter on proposed decomm rule - FR notice of 1-22-08.pdf

Dear Secretary:

Please see the attached comment letter from Homestake Mining Company of California with regard to the above referenced proposed rulemaking. We appreciate your consideration of our comments. Please contact me if you have specific questions regarding the nature and content of our letter.

Sincerely,

Alan D. Cox

**Alan D. Cox**  
**Project Manager**  
**Homestake Mining Co. of California**  
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USNRC

May 8, 2008 (1:30pm)

OFFICE OF SECRETARY  
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Subject: Homestake Comments on Proposed Decommissioning Rule - 73 Fed. Reg. 3812  
(1/22/08)

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Thread-Topic: Homestake Comments on Proposed Decommissioning Rule - 73 Fed. Reg. 3812  
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Thread-Index: AciwmYQ/wAVhi7cjR2y5Ew0fniLXOg==

From: "Cox, Al (Grants)" <ACox@barrick.com>

To: <Secy@nrc.gov>

Return-Path: ACox@barrick.com

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Alan D. Cox  
Project Manager - Grants

May 7, 2008

BY ELECTRONIC MAIL ([secv@nrc.gov](mailto:secv@nrc.gov))

Secretary  
Attention: Rulemakings and Adjudication Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: Decommissioning Planning; Proposed Rule  
73 Fed. Reg. 3812 (Jan. 22, 2008)  
RIN 3150-AH45

Dear Secretary:

Homestake Mining Company of California (Homestake) is submitting these comments regarding NRC's proposed rule addressing decommissioning planning. These comments also address aspects of the draft guidance associated with the rulemaking issued in January 2008.

Homestake is decommissioning its Grants Uranium Millsite pursuant to NRC License No. SUA-1471. Homestake believes that the proposed rule is written too broadly in that it fails to properly account for the different activities and varying risks associated with different categories of NRC licensees. In particular, the rule fails to account for the type of operations or low radiological risks associated with Part 40 licensees such as uranium millsites. The proposed rule should be clarified to assure that it does not apply to closed uranium millsites that are undergoing decommissioning pursuant to existing NRC license requirements.

Uranium mills such as the Homestake Grants Millsite are unlike enrichment facilities, fuel fabrication facilities and nuclear power reactors in that milling facilities handled only source material that was not enriched. Homestake's decommissioning activities should be distinguished between the types of licenses and relative risks associated with facilities handling enriched material. While use of a broad definition of residual radioactivity may be useful with respect to certain licensees not at the front end of the nuclear fuel cycle, application of such a definition to

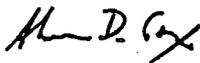
Part 40 licensees is inconsistent and unnecessary with current, licensed operations which fully protect the public health and safety.

The proposed guidance on site characterization and monitoring would result in unnecessary redundancy at a site such as the Homestake Grants Millsite. Homestake, in conjunction with NRC and other Regulatory Agencies, has adequately characterized this site to a sufficient degree to render new survey and monitoring requirements counterproductive. Homestake has sufficient and existing survey, monitoring and detection programs in place to assure compliance with its current license.

Homestake believes the proposed rule would benefit from a clear statement that existing uranium mill licensees' programs satisfy the proposed requirements. This statement should be made without qualification. NRC inspection and oversight programs provide the necessary guidance and license conditions / requirements to regulate activities for uranium mills undergoing decommissioning and remediation. Any application to sites such as the Grants Mill of the proposed rule and guidance would simply complicate ongoing activities that are being conducted to reclaim the Homestake site according to current license conditions and requirements.

Homestake therefore urges that any final rule adopted by NRC clearly establish that uranium millsites undergoing decommissioning and remediation are adequately covered by existing regulations and conditions.

Very truly yours,



HOMESTAKE MINING COMPANY OF CALIFORNIA  
Alan D. Cox  
Project Manager

Enclosure(s)

cc: R. Chase, SLC  
B. Ferdinand, SLC

J. Indall - CMTI  
K. Sweeney - NMA