

PR 30, 36,39,40,51,70, and 150

(75FR43865)

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DOCKETED
USNRC

September 27, 2010

September 28, 2010 (10:30am)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: Docket No. NRC-2010-0075; Proposed Construction Regulations

Dear Secretary:

Neutron Energy Inc. (Neutron) is a privately owned U.S. company planning to build a conventional uranium processing mill in Sandoval County New Mexico. We are currently completing site characterization work and baseline monitoring in anticipation of submitting a source material license (SML) application in the fourth quarter of 2011. Neutron intends to essentially re-build a mill that was previously constructed, but never operated, and dismantled on the site. As part of our pre-development work, we intend to perform activities such as additional geotechnical characterization (by drilling) of the proposed tailings disposal facility and investigate the condition of buried foundation structures remaining from the previous mill, using earth-moving equipment. It is our understanding that the proposed regulation changes/clarifications in the subject rulemaking would allow such activities as they would not fall under the definition of "construction" or "commencement of construction" as described in the 7/27/2010 Federal Register notice. Assuming that this understanding is correct, we support the proposed rulemaking as completing such work is absolutely necessary for preparing a new SML application that can be considered technically complete. We believe that doing such work would in no way "implicate radiological health and safety or common defense and security considerations" (Fed Register Vol. 75, No. 143, pr. 43866) and should therefore be allowable without requiring NRC review or preparation of an environmental assessment.

We appreciate the opportunity to provide these comments, and request confirmation as to the accuracy of our interpretation of the proposed regulations. Please don't hesitate to call or email me at the addresses provided above if there are any questions.

Regards,



Michael R. Neumann
Vice President, Environment

cc: Rick Karlson, Manager of Project Development, Neutron

Template = SECY-067

DS 10

Rulemaking Comments

From: Michael Neumann [mneumann@neutronenergyinc.com]
Sent: Monday, September 27, 2010 1:24 PM
To: Rulemaking Comments
Cc: 'Rick Karlson'
Subject: Comments on RIN 3150-A179
Attachments: Comments NRC construction Rules 092710.pdf

Dear Sirs/Madams:

Attached pls find a scanned copy of a letter regarding the proposed pre-license construction rule changes described in the 7/27/10 Vol. 75, No. 143 of the Federal Register.

Michael R. Neumann
VP Environment



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Reply-To: <mneumann@neutronenergyinc.com>
From: Michael Neumann <mneumann@neutronenergyinc.com>
To: <Rulemaking.Comments@nrc.gov>
CC: "'Rick Karlson'" <rkarlson@neutronenergyinc.com>
Subject: Comments on RIN 3150-A179
Date: Mon, 27 Sep 2010 11:24:01 -0600
Organization: Neutron Energy, Inc.
Message-ID: <005d01cb5e68\$c76a3ff0\$563ebfd0\$@com>
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