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To: Cindy Bladex - RADB
Company: Nuclear Regulatory Commission Fax: _____
From: Oscar Paulson / Kennecott Uranium Company Date: November 14, 2011
RE: Processing of Equivalent Feed / Comments Kennecott Uranium Company
Message: Cindy Bladex:

These are Kennecott Uranium Company's
Comments.

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RULES AND DIRECTIVES

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7 November 2011

Cindy Bladey,
Chief, Rules, Announcements, and Directives Branch (RADB)
Office of Administration
Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20556-0001

Subject: Kennecott Uranium Company Comments on the Policy Regarding Submittal of Amendments for Processing of Equivalent Feed at Licensed Uranium Recovery Facilities Docket ID: NRC-2011-0217 – (Federal Register /Volume. 76, Number. 190 / Friday, September 30, 2011 /Notices)

Dear Ms. Bladey:

Kennecott Uranium Company is a uranium recovery licensee that owns the only remaining conventional uranium mill in Wyoming, the Sweetwater Uranium Project. This facility is located in Sweetwater County, Wyoming. In addition to the facility, Kennecott Uranium Company controls uranium resources around the Sweetwater Uranium Project

The following are Kennecott Uranium Company's comments on this proposed policy:

Creation and Definition of the Term *Equivalent Feed*

Kennecott Uranium Company strongly supports the creation of this term and its definition as “...*feed material ... essentially the same in physical form and radiological content as the source material that is normally processed at a uranium recovery facility.*” This term and its definition provide uranium recovery licensees which much needed flexibility in allowing them to possess and process such material. This definition makes excellent sense since resins from operations, such as community water treatment facilities and mine dewatering operations, are in fact equivalent to resins being processed at uranium recovery facilities.

Return of Eluted (Unloaded) Resin/Classification of Wastes as 11(e).2 Byproduct Material

The *Procedures for Accepting Equivalent Feed* state:

Following elution of the uranium loaded equivalent feed (i.e., removal of the uranium from the treatment resin), the resulting unloaded resin can take two paths. Since the NRC is allowing equivalent feed to be processed at uranium recovery facilities, the wastes associated with processing equivalent feed (i.e., unloaded resin) are considered byproduct material, as defined in Title 10 of the Code of Federal Regulations part 40. Therefore, these wastes may be disposed of at an NRC-licensed facility without further documentation. Alternately, the unloaded resin may be returned to a water treatment facility, a mine dewatering facility or a licensed uranium recovery facility for reuse.

This language provides licensees flexibility regarding handling of the eluted resin and is unambiguous in defining the eluted resins a 11(e).2 byproduct meaning that it is clear that they can, should the licensee wish, be placed in an 11(e).2 disposal impoundment. These impoundments are regulated under 10 CFR

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part 40 Appendix A by the Commission or an Agreement State and as such are a safe disposal site for such materials. These sites must be "...transferred to the United States or the State in which such land is located, at the option of such State." This stipulation in 10 CFR part 40 Appendix A Criterion 11 and other stipulations in Criteria 6 and 10 assure that the materials placed for disposal will be subject to long term care and monitoring.

Conventional Mills with Ion Exchange Circuits

The term "*conventional mills with ion exchange circuits*" should be changed to read "*conventional mills with ion exchange resin elution circuits*" in the document. In order to elute resin an entire ion exchange circuit is not required. All that is required is an ion exchange resin elution circuit.

Definition of Equivalent Feed

The proposed policy defines equivalent feed as follows:

For the purposes of this RIS, equivalent feed is: ion exchange (IX) resin that is loaded with uranium at a facility other than a licensed uranium recovery facility, such as water treatment plants or mine dewatering operations.

The proposed Regulatory Issues Summary (RIS) would allow uranium laden ion exchange resin from facilities other than licensed uranium facilities to be eluted at a licensed uranium recovery facility. This proposed document is silent on transfers of uranium laden ion exchange resin from one licensed uranium recovery facility to another without a license amendment. For various reasons, resin from one licensed uranium recovery facility may need to be transferred to another for elution, just as yellowcake slurry produced at one licensed uranium recovery facility is sometimes transferred to another for drying. The Regulatory Issues Summary (RIS) should also include a statement similar to the one below:

In situ recovery facilities (ISRs) or conventional mills with ion exchange resin elution circuits may also accept uranium laden resins from other licensed uranium recovery facilities for elution without the need for a license amendment

Conclusions

Kennecott Uranium Company strongly supports this proposed policy because:

- It provides flexibility to licensees and is consistent with the Commission's risk-informed, performance-based approach to regulation and is good public policy.
- It provides flexibility specifically in handling eluted resins including clearly stating that such resins are 11(e).2 byproduct materials allowing them to be placed in 11(e).2 byproduct material disposal impounds should the licensee wish. Such impoundments are highly regulated under 10 CFR Part 40 Appendix A and provide a safe repository for such materials.
- Kennecott Uranium Company requests that the term "*conventional mills with ion exchange circuits*" should be changed to read "*conventional mills with ion exchange resin elution circuits*".
- Kennecott Uranium Company requests that the document include language specifically permitting transfers of uranium laden ion exchange resin from one licensed uranium recovery facility to another for elution without the need for a license amendment.

Kennecott Uranium Company appreciates the opportunity to comment on this proposed policy. If you have any questions please do not hesitate to contact me

Sincerely yours,



Oscar Paulson
Facility Supervisor

cc: Katie Sweeney – National Mining Association (NMA)

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Rich Atkinson – Cedar Mountain Ventures