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Draft Regulatory Issue Summary Regarding Submittal of Amendments for Processing of Equivalent Feed at Licensed Uranium Recovery Facilities

Comment On: NRC-2011-0217-0002

Policy Regarding Submittal of Amendments for Processing of Equivalent Feed at Licensed Uranium Recovery Facilities; Correction

Document: NRC-2011-0217-DRAFT-0002

Comment on FR Doc # 2011-26234

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General Comment

See attached file(s)

Attachments

Final NMA Comments on Draft RIS

SUNSI Review Complete

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Add = T. Carter (THC1)



KATIE SWEENEY
General Counsel

November 14, 2011

Cindy Bladey
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Mail Stop TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**Re: Regulatory Issue Summary on Processing of Equivalent Feed
Docket ID NRC-2011-0217**

Dear Ms. Bladey:

The National Mining Association (NMA) submits these comments in response to the Nuclear Regulatory Commission's (NRC) request for comment regarding a regulatory issue summary (RIS) regarding receipt and processing, without a license amendment, of equivalent feed at an NRC and/or Agreement State licensed uranium recovery facility with ion-exchange (IX) processing capability, whether conventional, heap leach, or *in situ* uranium recovery (ISR). 76 Fed. Reg. 60941 (Sept. 30, 2011). The Oct. 31 comment deadline was extended by NRC until Nov. 14. 76 Fed. Reg. 63330 (Oct. 12, 2011). NMA strongly supports the finalization and implementation of the RIS in accordance with the comments below.

NMA represents producers of most of America's coal, metals, industrial and agricultural minerals; manufacturers of mining and mineral processing machinery and supplies; transporters; financial and engineering firms; and other businesses related to coal and hardrock mining. These comments are submitted by NMA on behalf of its member companies who are current or prospective NRC licensees or other mining companies that are interested in disposition of resins generated from other than uranium recovery operations.

The RIS is Consistent with NRC's Risk-Informed, Performance-Based Approach to Regulation

In response to the 1993 "Government Performance and Results Act" (GPRA), NRC developed a strategic plan in which the agency committed to move toward risk-informed, performance-based regulation. In fact, earlier this year, NRC established

a task force for "Assessment of Options for a More Holistic Risk-Informed, Performance-Based Regulatory Approach." As a result, when NRC proposes a new regulation, the alternatives considered must include a risk-informed, performance-based alternative that enhances the effectiveness of the agency's regulatory programs. In this draft RIS, NRC continues to advance the risk-informed performance-based regulation concepts.

The draft RIS is a good example of risk-informed, performance-based regulation. In response to queries from uranium recovery licensees and uranium water treatment suppliers/operators, NRC staff took a second look at the applicability of an earlier RIS, RIS 00-23 "Recent Changes to Uranium Recovery Policy." Under RIS 00-23, uranium-loaded resin is treated as an alternate feed that cannot be processed at a licensed uranium recovery facility without an NRC-approved license amendment. In the draft RIS, NRC staff recognize that treating uranium loaded resin from water treatment operations (and in practicality, other uranium-loaded IX generations activities) as alternate feed is not a risk-informed, performance-based approach since the uranium-loaded resin is essentially the same in both physical form and radiological content as the uranium-loaded resin generated by a licensed uranium recovery facility with IX processing facilities, whether it be a conventional mill, heap leach or ISR. Thus, the draft RIS designates such resins as "equivalent feed." As such, uranium loaded resins can be processed at a licensed uranium recovery facility without a license amendment so long as: (1) the existing licensed annual production limits on uranium are not exceeded; (2) such processing is within the existing safety and environmental review envelope; and (3) no anomalous constituents are associated with the uranium-loaded resins.

Another minor comment on the draft RIS, with respect to the concept of similar "radiological content" for equivalent feeds is that in many, if not most cases, feeds from various other water treatment operations may contain lower uranium concentrations than feeds at licensed uranium recovery facilities, which means that potential radiological impacts will, by definition, be within the assessed public health and safety and environmental envelope for the receiving facility.

Finally, the draft RIS does not specifically mention satellite ISR wellfields owned and/or operated by licensees other than the receiving facility licensee. These operations, while different in concept, are identical in that they generate the exact same uranium-loaded resins. NMA asserts that these satellite ISR wellfields be identified by NRC as a potential source of uranium-loaded resins for receipt and processing by a receiving facility under this draft RIS. Thus, NMA supports this common-sense, risk-informed, performance-based approach.

The Draft RIS is Good Public Policy

Not only is the draft RIS an excellent example of risk-informed, performance-based regulation, it is good public policy as it promotes efficient use of agency, licensee

and other stakeholder resources, encourages recycling and avoids costly waste disposal options. First, allowing processing of equivalent feed without a license amendment saves the agency, licensees and those requesting processing of equivalent feed licensing time and fees and, accordingly, delays will be minimized. Second, the draft RIS facilitates recycling by providing a streamlined path forward for the recovery of the uranium from "equivalent feeds" rather than forcing costly and wasteful disposal options or, worse, disposal by regenerating resins and releasing uranium-laden fluids to the environment. Furthermore, the RIS creates an additional disposal option for uranium loaded resins generated from treating drinking water sources and mine dewatering. Without the draft RIS, the only options for the disposition of such resins are processing as alternate feed at a mill or disposal in landfills permitted under the Resource Conservation and Recovery Act or licensed by the NRC or an Agreement State.

The importance of having what amounts to an additional disposal option cannot be overstated. When the Environmental Protection Agency's (EPA) drinking water standard for uranium took effect in December 2003, community water systems (CWSs) were required to remove uranium from drinking water to meet the 30 µg/L standard. 98 percent of the affected CWSs are small systems (with small budgets) that serve fewer than 10,000 people. As the RIS accurately notes, for small CWSs, the transport, treatment and disposal of treatment residuals can be a significant and even overwhelming cost. According to the EPA, such costs may account for 50 percent of small CWSs' operating budgets. In fact, for most CWSs disposal in a licensed disposal facility is, as a practical matter, simply cost-prohibitive. Providing this additional disposal option is a significant cost benefit to small CWSs in their efforts to satisfy the uranium standard, and thus is good public policy supported by NMA.

Above and beyond drinking water treatment recovery of uranium on IX resins is similar loading of such resins during other water treatment activities (e.g., mine dewatering, groundwater or surface water remediation and byproduct/side-stream recovery operations) at mineral processing facilities, as well as satellite ISR wellfields owned and/or operated by licensees other than the receiving facility licensee. Uranium-loaded resins from such operations that, similarly, are essentially identical to uranium-loaded resins generated at licensed uranium recovery facilities produce "equivalent feed" as well. NRC's final RIS should recognize that uranium-loaded resins generated by such activities also should be within the scope of the final RIS. In essence, the concept of "equivalent feed" assumes that the potential public health and safety and environmental impacts of such feed has been assessed in the licensing process for the receiving facility. Accordingly, the application of the draft RIS' risk-informed, performance-based policy is satisfied with respect to these other categories of uranium-loaded resins noted above.

Finally, another benefit of the draft RIS is that processing of such "equivalent feed," the spent resin from the primary uranium recovery activities can be disposed of at

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an NRC-licensed facility for long-term surveillance and monitoring as 11e.(2) byproduct material. Alternatively, the resin may be regenerated and returned to the generating facility for reuse, which can provide an economic benefit to the generating facility (particularly CWSs) since operating costs are reduced. Providing such flexibility is good public policy.

Conclusion

In conclusion, the NMA strongly supports the finalization and implementation of the RIS. The draft RIS is consistent with NRC's risk-informed, performance-based approach to regulation and, further, makes sense from the public policy perspective by promoting efficient use of resources, streamlining processing and providing much needed disposal alternatives. If you have any questions regarding NMA's comments, please contact me at 202/463-2627.

Sincerely,

A handwritten signature in cursive script that reads "Kate Dwemey".