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From: Cox, Al (Grants) [ACox@barrick.com]
Sent: Tuesday, January 24, 2012 1:10 PM
To: Schmidt, Duane
Cc: Buckley, John; Chase, Rocky (Salt Lake City); Ferdinand, Bill (Salt Lake City); Malone, Patrick (Salt Lake City); Ken Baker; Jon J. Indall; Sweeney, Katie
Subject: NRC Staff Interim Guidance on Radon and Radon Progeny in Air Compliance with 10CFR20.1301 - Comment Letter
Attachments: NRC-comment-let-1-20-12.PDF

Dear Mr. Schmidt,

Attached please find our letter containing comments on the above referenced Staff Interim Guidance. A paper copy of our letter will follow via regular mail.

Thank you for the opportunity to comment on the guidance document.

Best Regards,
Al Cox

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Grants Office

Alan D. Cox
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20 January 2012

Duane W. Schmidt
U.S. Nuclear Regulatory Commission
Office of Federal and State Materials
and Environmental Management Programs
Division of Waste Management and Environment
Protection
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Re: NRC Staff Interim Guidance, Evaluations of Uranium Recovery Facility Surveys of Radon and Radon Progeny in Air and Demonstrations of Compliance with 10 C.F.R. 20.1301

Dear Mr. Schmidt:

I am writing to comment on the above-captioned NRC Staff Interim Guidance. Homestake Mining Company of California (HMC) is the operator of the Grants, New Mexico uranium mill which is being reclaimed pursuant to its NRC license. HMC believes the guidance is generally clear in how the NRC staff expects licensees to demonstrate compliance with the requirements of 10 CFR 20.1301 and does not disagree with a significant portion of the document. We do however have some material concerns with the document that are as outlined below.

1. On page 7 of the draft guidance, line 1, licensees are to address or reference, “[r]esults of measurements and values for other parameters used in the assessment, along with associated uncertainties. Justification for parameter choices should be included.” Related to this recommendation, language on page 12, 1st paragraph reads, “Thus, NRC staff should evaluate the overall uncertainty in the licensee’s calculations of net (i.e., due to licensed operations) radon concentrations and **doses to people**, as appropriate [emphasis added]”.

Comment: HMC understands the need to report results of measurements and their associated uncertainties, but to extend this requirement to other non-measured parameters, particularly if they are conservative in nature, and ultimately to dose is inappropriate for compliance demonstration purposes. For example, dose conversion factors used to calculate doses from measured radionuclide concentrations or intake estimates are generally conservatively derived. Because of the conservatism, the uncertainty in the calculated dose is actually highly skewed toward the low dose end. We believe that it is unreasonable to expect NRC inspectors or licensees to accurately assess this uncertainty and if done improperly, the dose would likely be grossly overstated. We therefore suggest that the uncertainty in the dose not be assessed.

We should also mention that if the uncertainty in measured parameters is large and if the emissions are such that compliance is in question, large uncertainties in measured parameters will lead to occasional false indications that the site is out of compliance. This will normally lead to the licensee attempting to reduce the uncertainty in the measurements.

2. Page 12, first paragraph. *"If MDC's are insufficient (too high) or overall relative uncertainties are too high, licensees should evaluate improvements to monitoring techniques."*

Comment: HMC believes this requirement is too vague, as "insufficient" is not defined. This sentence should be eliminated as too subjective.

3. Page 15, last sentence of second and third paragraphs. *"Thus, for outdoor exposures, the NRC Staff would find acceptable use of the upper value of the NCRP's typical range, which is 0.7."..... "Thus, for indoor exposures, the NRC Staff would find acceptable an equilibrium factor of 0.5. The NRC Staff notes that from the NCRP 160 assessment (NCRP 2009), the upper value of the uncertainty range on the average equilibrium factor for indoors was also 0.5."*

Comment: HMC believes these values are inconsistent with the NRC position contained in Section 4.4 where it states *"In general, annual average concentrations should be calculated for use in dose calculations and compliance determinations"*. It would be consistent to use the use the central value NCRP used in each case which is 0.4 for indoor exposures and 0.6 for outdoor exposures.

Homestake Mining Company appreciates the opportunity to comment on this guidance and trusts the NRC will give serious consideration to our few, although important, concerns that we have with the document. If you have questions regarding our comments or require any clarification regarding our concerns, please contact me at 505-287-4456 Ext 25 or via cell phone at 505-400-2794.

Sincerely yours,



HOMESTAKE MINING COMPANY
OF CALIFORNIA

Alan D. Cox – Project Manager / RSO

Cc: J. Buckley – NRC (via e-mail)

R. Chase – SLC (via e-mail)
B. Ferdinand – SLC (via e-mail)
P. Malone – SLC (via e-mail)

K. Baker – ERG (via e-mail)
J. Indall – CMTI (via e-mail)
K. Sweeney – NMA UES (via e-mail)