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General Comment

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Attachments

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May 30, 2014

Cindy Bladey, Chief
Rules, Announcements, and Directives Branch
Office of Administration
Mail Stop: 3WFN-06-44M
U.S. Nuclear Regulatory Commission
Washington, District of Columbia 20555-0001
<http://www.regulations.gov>

Re: Docket ID NRC-2014-0096. 79 Fed. Reg. 24459 - 24460. Comments on UNC Church Rock Mill Amendment Request, Extension of Reclamation Milestones. Docket No. 40-8907. License SUA-1475.

Dear Ms. Bladey:

Below please find comments of Uranium Watch on the proposed extension of reclamation milestones for the Church Rock Uranium Mill at License Condition 35. The licensee, United Nuclear Corporation (UNC), a subsidiary of General Electric, proposes to extend the dates for 1) the completion of groundwater corrective actions and 2) the emplacement of the final radon barrier and erosion protection for the UNC Church Rock Mill Site. The request for the extension of the milestones in made pursuant to 10 C.F.R. Part 40, Appendix A, Criterion 6A(2). Criterion 6A(2) states:

(2) The Commission may approve a licensee's request to extend the time for performance of milestones related to emplacement of the final radon barrier if, after providing an opportunity for public participation, the Commission finds that the licensee has adequately demonstrated in the manner required in paragraph (2) of Criterion 6 that releases of radon-222 do not exceed an average of 20 pCi/m² s. If the delay is approved on the basis that the radon releases do not exceed 20 pCi/m²s, a verification of radon levels, as required by paragraph (2) of Criterion 6, must be made annually during the period of delay.

1. The September 18, 2013, request to extend the reclamation milestones does not provide sufficient information to make a determination that the proposed milestones are “technically feasible,” and the complement of the groundwater corrective actions and emplacement of the final radon barrier and erosion protection would actually be completed by the proposed dates.
2. The Nuclear Regulatory Commission (NRC) technical evaluation that accompanied the November 7, 2013, approval of the September 18 Amendment Request did not make any determination that the dates proposed reflected the technical feasibility of the proposed dates for the completion of the groundwater corrective actions and emplacement of the final radon barrier and erosion protection. The licensee and NRC staff knew that the current milestones could not be met, so new milestones must be established. There was no attempt to actually determine when these reclamation actions could be completed. The NRC should make an effort to actually evaluate the technical feasibility of the proposed reclamation actions, rather than grant a pro-forma extension, which will likely need further revisions down the line.
3. Criterion 6A(2) requires that, in the case of the extension of reclamation milestones, the licensee must demonstrate that releases of radon-222 do not exceed an average of 20 pCi/m²-s. Criterion 6A also states: “If the delay is approved on the basis that the radon releases do not exceed 20 pCi/m²s, a verification of radon levels, as required by paragraph (2) of Criterion 6, must be made annually during the period of delay.” However, there is no discussion of this requirement in the September 2013 Amendment Request, nor in the November 2013 NRC approval of that request. Uranium Watch understands that in 1997 a determination was made that the portion of the impoundment that had a final radon barrier did meet the 20 pCi/m²-s. There have been no subsequent radon flux measurements, even though the completion of the placement of the final radon barrier was not completed in 1997, due to 2 evaporation ponds on a portion of the impoundment, and the granting of extensions of the reclamation milestones starting in 2007. (There was a period of a decade when the 1997 milestone for completion of the final radon barrier was past, but no extensions had been requested.) The NRC must address the requirement for annual radon flux compliance determinations in the amendment that extends the reclamation milestones.
4. The NRC should also consider the impact on the reclamation milestones and the need to conduct annual radon flux monitoring and reporting if the impoundment receives uranium mine waste for disposal within the next 5 years, as has been proposed. The reopening of the tailings impoundment for disposal of mine waste or the placement of that waste on top of the existing radon barrier clearly requires annual radon flux monitoring of the impoundment until the radon barrier and erosion protection are finally complete.
5. The NRC staff should review the NRC and Environmental Protection Agency *Federal Register* Notices that brought about the Recession of 40 C.F.R. Part 61 Subpart T for

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licensed uranium mills and the promulgation of amendments to 40 C.F.R. Part 192 and 10 C.F.R. Part 40 Appendix A with respect the establishment of reclamation milestones for closure, decommissioning, and reclamation of uranium mills.

Thank you for providing this opportunity to comment.

Sincerely,

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