

# PUBLIC SUBMISSION

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**Docket:** NRC-2014-0178  
Standard Review Plan for Conventional Uranium Mill Heap Leach Facilities

**Comment On:** NRC-2014-0178-0005  
Standard Review Plan for Conventional Uranium Mills and Heap Leach Facilities; Reopening of Public Comment Period

**Document:** NRC-2014-0178-DRAFT-0013  
Comment on FR Doc # 2015-08797

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## General Comment

See attached file(s)

12/18/2014  
79FR 75597

## Attachments

UWatch\_CommentSupplement\_NRC-2014-0178\_NUREG-2126.150618

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<b>SUNSI Review Complete</b>
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Add= <i>D.P. Manderille (dms)</i>

# Uranium Watch

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June 18, 2015

Cindy Bladey  
Chief, Rules, Announcements, and Directives Branch  
Division of Administrative Services  
Office of Administration  
Mail Stop: 3WFN-06-A44MP  
U.S. Nuclear Regulatory Commission Washington, DC 20555-0001  
<http://www.regulations.gov>.

Dear Ms. Bladey:

RE: Comments on Nuclear Regulatory Commission *Standard Review Plan for Conventional Uranium Mill and Heap Leach Facilities*: Draft Report for Comment, NUREG-2126; November 2014. Docket ID NRC-2014-0178.

Below please find comments on the Draft *Standard Review Plan for Conventional Uranium Mill and Heap Leach Facilities* (SRP). These comments are a supplement to the comments submitted by Uranium Watch and others on March 18, 2015.

1. SRP, Section 2.7.2.2, Site Characterization, Hydrology, Surface Water Hydrology, Review Procedures (page 2-28). Section 2.7.2.2(3) states, in part: "(3) Evaluate the applicant's assessment of the potential for erosion or flooding. Information regarding acceptable models for use in calculating the design storm for a 1,000-year design life for large surface impoundments may be found in NUREG-1623, "Design of Erosion Protection for Long-Term Stabilization" (NRC, 2002)."

#### COMMENT:

A. Recently the NRC has discussed revisions to their regulations applicable to Low Level Waste Disposal,<sup>1</sup> including the disposal of depleted uranium, and Draft Guidance for Conducting Technical Analyses for Low-Level Waste Disposal.<sup>2</sup>

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<sup>1</sup> Docket ID NRC-2011-0012. 80 Fed. Reg. 16081-16125; March 26, 2015.

<sup>2</sup> Docket ID NRC-2015-0003. 80 Fed. Reg. 15930-15931; March 26, 2015.

In a recent public meeting on the proposed rule and guidance in Salt Lake City, Utah, the Nuclear Regulatory Commission (NRC) staff discussed the consideration of the long-term impacts of the disposal of LLW beyond the design basis of the disposal facility. In other words, the NRC recognized that there are environmental and technical issues that go beyond the design basis for a disposal facility and that a consideration of these issues are important when evaluating the location and design of the disposal site.

This also would apply to the siting and design of uranium mill tailings impoundments and the design of the final radon barrier. In the past, the NRC has only given consideration to the 1,000 year, or at least 200-year, design basis. For a disposal facility that must be kept under perpetual government control, the failure of the NRC, affected Agreement States, and the Environmental Protection Agency (EPA) to give consideration to the environmental and technical aspects of the site and the disposal facility for a time frame that goes beyond the 200 or 1,000 year design basis leads to a lack of appreciation of the potential degradation of the site over time and the potential for a major event that would compromise the integrity of a uranium recovery site in the future.

This failure to consider possible impacts beyond the 1,000-year design basis is exemplified in the NRC's approval of the onsite reclamation of 12 million tons (now estimated to be 16 million tons) of Atlas Mill uranium mill tailings on the flood plain of the Colorado River at Moab, Utah. The NRC did not give adequate consideration to the reasonable assumption that the 5th largest river in the US might have a major flood in the next 1 thousand to 1 million years and beyond.

That NRC approval was an example of regulatory breakdown and was a traumatic experience for the NRC: 1) the Environmental Assessment and Finding of No Significant Impact for the Atlas Mill reclamation plan were withdrawn; 2) the NRC closed the Colorado Uranium Recovery Field Office (URFO); 3) the NRC began the 4-year process of accessioning over 20,000 Title I and Title II documents that URFO had not made publicly available, in violation of the Atomic Energy Act and NRC regulation; 4) the NRC began an extensive Environmental Impact Statement (EIS) process and again approved onsite reclamation; 5) the mill owner, Atlas Corporation, filed for bankruptcy; 6) the minimal NRC-approved reclamation surety would not even cover the cost of onsite reclamation, let alone the remediation of contaminated groundwater that was migrating to the River; 7) new data on the contamination of the Colorado River and threats to endangered fish species came to light; 8) Congress designated the site as a Title I site and the Department of Energy (DOE) took over the reclamation of the site; 9) another EIS process commenced; and 10) numerous meetings and hearings were held during this lengthy period. In the end, the City of Moab, Grand County, the State of Utah, the EPA, the National Park Service; numerous individuals and community groups, the DOE, and other entities all agreed that the tailings needed to be moved off the flood plain of the Colorado River. The tailings are being moved at taxpayer expense at a cost estimated to be 1 billion dollars. Colorado River flood waters have reached the tailings at least once during the last 5 years.

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Therefore, it behoves the NRC and Agreement States to seriously consider the technical and environmental issues beyond the design basis time frame for any uranium mill, 11e. (2) byproduct material disposal facility, or heap-leach operation.

Thank you for providing this additional opportunity to comment.

Sincerely,

Sarah Fields  
Program Director  
Uranium Watch