



2016 AUG 31 PM 2:19

August 22, 2016

Deputy Director,
Division of Decommissioning, Uranium Recovery and Waste Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RECEIVED

7/6/2016
81FR43959

10

Re: Docket ID-NRC-2011-0162, Comments on Rulemaking to Address Prompt Remediation of Residual Radioactivity During Operations

Dear Deputy Director,

The Nuclear Regulatory Commission (NRC) published a request for comment in the Federal Register on July 6, 2016. Energy Fuels Resources (USA), Inc. (Energy Fuels) is pleased to provide comments for the need of rulemaking to address prompt remediation of residual radioactivity during the operational phase at licensed material sites and nuclear reactors.

Energy Fuels maintains operating uranium recovery facilities along with uranium mining projects in Wyoming, Utah, Arizona, Colorado, New Mexico, and Texas. Energy Fuels owns three uranium recovery facilities that are regulated by the Nuclear Regulatory Commission or its Agreement States. In Utah, the White Mesa Mill, located in Blanding, is the only operating uranium mill in the United States. Energy Fuels also owns two in-situ uranium recovery facilities, Nichols Ranch that is operating in Wyoming and Alta Mesa that is currently on standby in Texas.

With the conclusion of Energy Fuels' (EF) review of the "Draft Proposed Technical Basis For Prompt Remediation, Rev. 4, June 30, 2011" it was evident that the Nuclear Regulatory Commission (NRC) had pre-determined that additional rulemaking is required to address potential legacy sites. Regulations over the past 40 plus years have evolved extensively, and thus making a comparison between current operating sites performing under current rules and guidance and legacy sites that have operated and closed under superseded rules and guidance. The fact that regulations and guidance have gotten much more rigorous is clear in the increased revenue recovered for Part 170 cost recovery fees due to increased time charged for license, decommissioning cost estimate, and inspection reviews

Modern facilities are designed, constructed, operated and inspected to minimize potential impacts to the worker, public and environment. Over time, technology and operations of facilities have advanced. The design of modern facilities have incorporated extensive computer based safeguards to allow for automatic shutdowns or warning alarms to alert workers of potential problems that could lead to environmental impacts requiring decommissioning. It is important for the NRC to realize that as the regulations and enforcement practices have evolved, so have the licensee's operations in order to demonstrate performance and comply. As a result, significantly mitigating the risk of future legacy sites

SUNSI Review Complete
Template = ADM - 013
E-RIDS= ADM-03
Add= M. Vaaler (mgv)



The current regulatory framework provides more than adequate protection to mitigate the risk of additional future legacy sites, as described in part within the NRC's Draft Technical Report as shown in these conclusions:

- "Existing exposure limits provide adequate protection for public health and safety during operations."
- "Current regulations are sufficient to ensure adequate site characterization and resources, including funding, to complete decommissioning at the time of license termination."
- "Current financial assurance regulations are sufficient to ensure adequate resources to complete decommissioning."
- "Mandated remediation during operations could adversely impact operational safety and flexibility."
- "Prompt remediation during operations may result in licensees remediating the same multiple times during plant life, thereby increasing operational costs."

Despite these conclusions, the NRC is proceeding with a rulemaking to prevent legacy sites, even though the overwhelming evidence shows that the risk is significantly mitigated under existing rules and enforcement practices. This proposed rule would seem to drive the risk of future legacy sites beyond "As Low as Reasonably Achievable" (ALARA).

The public has not been presented with adequate information to make an informed decision as to whether additional rulemaking or the clarification of existing regulations is warranted. This is evidenced by how the draft technical report failed to list the number of legacy sites including date of initial operational startup and decommissioning commencement dates, the number including start date of ongoing decommissioning sites and the number of licensees still in operation categorized by type. This information provides the public incomplete and dated information to assess if the regulations have evolved over time to keep pace with activities while providing adequate protection to the worker, general public and the environment.

The report further fails to provide details of the NRC's analysis of the data, among other things, considered types of activity, type of operation, age of facility, period of operation, time when operations ceased, decommissioning was initiated, and closure methods. Without this information the general public or reader cannot concur with the NRC's justification for a new rulemaking.

The current regulatory framework is more than adequate to provide safeguards for the worker, the public and the environment. Minor clarification of present regulations to define the expectations and minimize interpretation is an effective use of NRC's resources while minimizing additional monetary burdens to operators. This approach is preferable to additional burdensome rules, and allows for prompt remediation based on risk using existing regulations using practices that are ALARA.



Uranerz Energy Corporation
(an Energy Fuels Company)
1701 East "E" Street
Casper, WY 82605
307-265-8900
www.energyfuels.com

Any potential revisions to existing regulations should rely heavily on a Risk-Based approach to analysis.

- Is the facility in an urban, rural or very rural setting
- Identify the nuclides and isotopes and inherent risks
- Is bonding sufficient to the potential risks
- Type of facility and inherent risk
- Is the public adequately protected from cumulative dose

Energy Fuels believes that additional burdensome regulations will not enhance safeguards to the worker, the public or the environment above and beyond the present regulatory framework.

Sincerely,

A handwritten signature in black ink, appearing to read 'William P. Goranson', with a long horizontal flourish extending to the right.

William P. Goranson, P.E.
Executive Vice President ISR Operations
Uranerz Energy Corporation (an Energy Fuels Company)

WG/jmc