

From: [Ross, Sandra](#)
To: [Lancaster, Thomas](#)
Cc: lizruedig@ergoffice.com; [Mike Schierman](#); [Applegate, Kent](#)
Subject: [External_Sender] Temporary Storage of IDW at the Ambrosia Lake West, NM Mill Site - SUA 1473
Date: Saturday, May 23, 2020 9:29:57 AM
Attachments: [image001.png](#)

Hello Tom,

Thank you for taking the time last week to clarify the status of and licensing basis for storage and disposal of investigation-derived waste (IDW) generated by RAML during its 2019 alternate concentration limit (ACL) investigation. In summary, RAML and NRC discussed the following:

1. NRC staff recommended that RAML attempt to determine which bin(s) of ACL IDW contain drill cuttings likely to be affected by mill waste. NRC staff recommended that RAML's evaluation consider both:
 - a. the horizontal position of the drilling location relative to likely sources of mill waste, and
 - b. whether the hydrogeological units that were drilled through may have been affected by mill waste at the drill hole location.

NRC staff recommended producing documentation, if not already available, certifying the location(s) at which IDW was generated. This could consist of affidavits from personnel involved. If RAML is able to identify bins that contain drill cuttings unlikely to be affected by mill waste, NRC staff suggested that RAML could dispose of these materials under the requirements of other applicable regulations in lieu of the requirements found in RAML's radioactive materials license.

2. NRC staff suggested that, that if RAML was unable to identify IDW from locations (horizontal and vertical) unaffected by mill waste, RAML might be able to characterize the ACL IDW to prove the presence or absence of licensed material in some or all of the ACL IDW. NRC staff suggested subsampling and compositing IDW from each bin followed by analysis at a laboratory. NRC staff recommended that RAML contact Marti Posten, NRC Region 4, to discuss an analyte list and appropriate screening level(s).

Follow up action item: RAML will contact Marti Posten.

3. NRC staff stated that the process to authorize temporary storage of ACL IDW in a lined depression would require an environmental assessment, and would likely take about a year to complete.
RAML stated In light off the amount of time required for NRC's review of the temporary storage area, RAML would prefer to move forward with its alternative plan to license a new disposal cell in lieu of a temporary storage area.
4. RAML clarified its position regarding the licensing basis for the storage of ACL IDW. Currently, RAML is managing the ACL IDW as 11e.(2) byproduct material. The preamble to RAML's radioactive materials license authorizes:
the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear

material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s).

Additionally, license condition (LC) 12 states that: *The licensee is authorized to possess byproduct material in the form of uranium process tailings and other byproduct wastes generated by the licensee's uranium processing operations. Mill tailings, other than small samples for purposes such as research or analysis, shall not be transferred from the restricted area without prior approval of the NRC in the form of a license amendment.*

RAML interprets the above language to authorize the storage of ACL IDW because RAML's license authorizes RAML to possess byproduct material and possession must include storage.

Additionally, RAML clarified its position with regard to the licensing basis for a potential future off-site disposal for the ACL IDW. If RAML were to perform this activity, RAML would transfer the ACL IDW to another licensee authorized to possess the types and quantities of licensed materials being transferred.

The receiving licensee would perform disposal activities, as authorized by that licensee's radioactive materials license. While LC 12 forbids RAML from transferring mill tailings, the ACL IDW is not mill tailings. Therefore, RAML concludes that its license authorizes this activity.

Follow up action item: NRC staff indicated they would discuss RAML's interpretations internally

RAML looks forward to continuing the conversation post completion of our respective action items.

**Sincerely,
Sandra**



Sandra L. Ross, P.G.
Manager US Legacy Assets
Technical Centre of Excellence and Legacy Assets
916-947-7637
sandra.ross@bhp.com

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