

Rio Algom Mining LLC

22 March 2022

ATTN: Mr. Thomas Lancaster
United States Nuclear Regulatory Commission
Mail Stop T5-A10
Washington, DC 20555-0001

Re: **Rio Algom Mining LLC – Ambrosia Lake West Mill
License SUA-1473, Docket No. 40-8905
Summary of Historical Practices Related to Uranium Recovery in the Ambrosia Lake Valley**

Dear Mr. Lancaster,

In 2018, Rio Algom Mining LLC (RAML) initiated a review of historical operations at the former Ambrosia Lake West (ALW) uranium mill and certain outlying uranium mines (described in more detail and defined as “in-scope mines” in the attached document) in the Ambrosia Lake Valley (ALV) as part of an internal initiative to align RAML’s decommissioning program with elements of the process recommended in NUREG-1575 the *Multi-Agency Radiation Survey and Site Investigation Manual*. Over the past four years, RAML staff have scanned, reviewed, and digitized tens of thousands of records related to historical uranium recovery practices in the Ambrosia Lake Valley (ALV). As RAML’s review progressed, RAML staff came to believe that certain historical operational and permitting practices related to the ALW mill could become barriers to the completion of mill decommissioning and license termination. Specifically:

1. **The jurisdictional status of certain impacts at in-scope mines in the Ambrosia Lake Valley is unclear.**

Certain environmental impacts at in-scope mines, as described in the attached technical report, likely derive from uranium recovery processes that, historically, were not regulated under the *Atomic Energy Act* of 1954, as amended, but could be if the operations occurred today. Other environmental impacts at in-scope mines derive from operations associated with one or more of the radioactive material licenses for the ALW mill (i.e., R-217, SUA-616, and/or SUA-1473) but are not part of the current decommissioning program for the ALW mill.

2. **The scope of historical uranium recovery processes and impacts at in-scope mines may not be fully understood by NRC staff.**

RAML’s records, summarized in the attached report, provide relevant information concerning historical operational processes that may inform and facilitate determination of NRC’s jurisdiction authority in the ALV.

3. **Certain state-issued discharge permits that regulated historical uranium milling processes (DPs -71, -169, -264, and -362) remain open.**

Permitting overlap between SUA-1473 and State discharge plans (DPs) may delay license termination; jurisdictional clarification would allow RAML to approach the State of New Mexico concerning reduction or elimination of permitting overlap, where possible, to facilitate timely license termination and site transition.

During a multi-agency call on 11 June 2021 NRC staff requested that RAML submit a list of its questions related to jurisdiction in the ALV; RAML provided this list to NRC on 3 September 2021 ([ML21251A490](#)). During a follow-up multi-agency call on 26 January 2022, NRC staff informed RAML that NRC would not be responding to RAML's questions and requested that RAML prepare a technical document summarizing currently available information regarding its understanding of the operational history of mill or mill-like processes (i.e., processes for which RAML has jurisdictional questions). The attached report is intended to meet NRC staff's request. This report does not seek to make any legal determination as to jurisdiction.

RAML remains committed to the completion of decommissioning at the ALW mill and termination of SUA-1473 as expeditiously as possible and believes that the most effective path to completion of decommissioning and license termination is for NRC to clarify the extent of its jurisdictional authority in the ALV. NRC's determination will clarify 1) the information needed to update decommissioning planning documents and 2) the pathway to license termination.

It's RAML's understanding that NRC will conduct an acceptance review of the report and if acceptable will provide a request for additional information or a meeting to discuss the content of the report.

If you have any questions or need additional information, please do not hesitate to call me at (916) 947-7637.

Sincerely,



Sandra L. Ross, P.G.
Site Manager
Rio Algom Mining LLC

cc: Document Control
Kevin Shade, US EPA
Anne Maurer, NMED
Holland Shepherd, NMMMD

Attachments: As-stated