

State of New Mexico
Energy, Minerals and Natural Resources Department

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December 19, 2022

Mr. Skyler Wildenstein
Trustee for Southwest Resources Inc.
4011 Mesa Verde Rd. NE
Albuquerque, NM 87110

Comments and request for additional information on *Final Construction Drawings*, dated August 16, 2022, *Excavation Plan*, dated October 21, 2022, and *Hoist House Radiological Survey*, dated July 9, 2021, Southwest Resources Inc., Section 12 Mine, McKinley Co., NM, Permit Tracking No. MK046RE

Greetings:

The New Mexico Mining and Minerals Division (“MMD”) and the New Mexico Environment Dept. (“NMED”) Mining Environmental Compliance Section (“MECS”) have reviewed following documents submitted by Southwest Resources Inc. (“SRI”), Section 12 Mine, McKinley Co., NM, Permit Tracking No. MK046RE.

- Final Construction Drawings, dated August 16, 2022
- Excavation Plan, dated October 21, 2022
- Hoist House Radiological Survey, dated July 9, 2021

Comments

MMD and NMED have the following comments regarding the *Final Construction Drawings*, dated August 16, 2022

1. Figure CL03 6-25-22: The figure indicates construction debris will be placed in the debris pit in the waste repository. Based on previous discussions with the applicant, the applicant indicated that some of this material would be placed into the shaft, following the removal of the hoist house. MECS supports placement of construction debris in the shaft where possible.
2. Figure CL04 6-25-22 and Figure CL02 6-25-22: Based on Figure CL02 6-25-22, it seems the clay borrow source material southwest of the hoist house has a lobe of material containing approximately 50-100 picocuries per gram (pCi/g) of Radium 226 and small areas of 15-50 pCi/g Radium 226. MECS recommends these areas be excluded from use in the reclamation activities. NMED and MMD joint guidance requires the cover materials to have radioactivity of equal to or less than the site standard.

MMD and NMED the following comments regarding the *Excavation Plan*, dated October 21, 2022

1. 2022-10 Excavation Option – Please explain how the material will be determined to be suitable for use as cover and all criteria used to make this determination. Please submit a material handling plan that outlines the approach that will be used to delineate and segregate cover material that includes the types of personnel needed, frequency and type of soil testing needed to meet cover suitability, radiation levels deemed acceptable, and how impacted or off-spec material will be handled and disposed of. What is the distance between the clean cover material and the impacted material? Please indicate if the clean cover material will be covered in some way to isolate it from windblown transfer from the adjacent impacted pile.

MMD and NMED Approve the *Hoist House Radiological Survey*, dated July 9, 2021

1. Please explain why the Hoist House and Mechanical Shop or the Administrative Building scans aren't recorded on a *Radiological Contamination Survey Form* as the Hoist House Drum surveys were done. Are these pages missing from the document?
2. 2022-07 Hoist House Survey – It is not clear from the information submitted what radiation readings are acceptable or what clean up level is being targeted. Please provide this information and a description of what will be done with the scanned feature based on the readings taken (i.e. placed in a shaft, onsite repository or other municipal waste facility that can accept this type of waste material).
 - a. Pages 1,3,5 – Please clarify which of the three instruments was used for the surveys.
 - b. Pages 7 & 9 - The information on measurements taken (shown on pages 1,3,5) is not present for the room readings, nor is the location of the reading clear from the information submitted. For example, were the readings taken on a moveable feature, the wall, floor or ceiling? Please revise and re-submit.
 - c. Page 9 – The high values in Room 2 suggest this may have been where the drums of resin are stored. NMED understands that the drums have been removed. Please provide the current readings in this room.

Additional Comments

1. MMD requests that Southwest Resources Inc. submit shaft closure designs including but not limited to the following information.
 - a. Types of materials with associated quantities to be disposed of down the shaft
 - b. Shaft capping design including cover placed for positive drainage and vegetative cover
 - c. Headframe disposal details

Per the *Director's Order of Abatement on Consent Section 12 Mine, McKinley County, New Mexico*, signed January 14, 2020 ("D.O."), SRI shall align all future submittals with the timelines specified in Sections 30 – 36 of the D.O

Should you have any questions, comments, or require additional information concerning this letter, please contact me at (505) 467-9589, or via email at: clinton.chisler@emnr.d.nm.gov.

Sincerely,



Clint Chisler – Permit Lead, MK046RE
Mining Act Reclamation Program (“MARP”)
New Mexico Mining and Minerals Division

Cc: Holland Shepherd, Program Manager, MARP/MMD
Anne Maurer, Mining Act Team Leader, NMED
Mine File (MK046RE)