



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

In Reply Refer To:
ER-79/882

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PROPOSED RULE

PR-30 et al (44FR50012)

Honorable Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Attention: Docketing and Service Branch

Dear Mr. Secretary:

We have reviewed the final regulations for Uranium Mill Tailings Licensing and Criteria, and Construction of Major Plants as published in the Federal Register August 24, 1979.

The licensing requirements in Section 40.3 apparently apply to any size operation and would, therefore, be applicable to Bureau of Mines' sponsored studies in environmental technology and control. They would also apply to pilot-plant processing tests of uranium ores. Some mechanism should be established to waive or modify the licensing requirements for pilot-scale tests on uranium ores.

We are concerned that Criterion 4(c) permits embankment slopes steeper than 5:1 (horizontal/vertical) when shallower slopes are impractical. The impractical or constraining condition envisaged here is apparently steep terrain, as explained in the Draft Generic EIS on Uranium Milling. Any above-grade tailings disposal on areas of steep terrain could be highly susceptible to continuing natural erosional forces and long-term stability and isolation would be doubtful. For these situations we strongly recommend that engineering analyses as to stability be required on a "worst case basis."

Facilities for downgradient monitoring of ground water should be included in the design of any disposal facility for uranium mill tailings and wastes. This would permit determination of

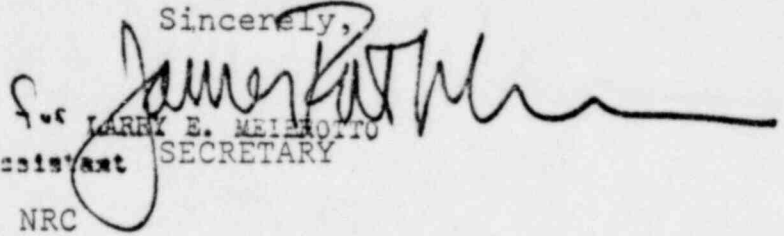
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baseline conditions as well as efficient subsequent sampling to determine whether stabilization measures remain effective.

Sincerely,


LARRY E. MEIEROTTO
Assistant SECRETARY

cc: Hubert J. Miller, NRC

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