

TENNESSEE VALLEY AUTHORITY

CHATTANOOGA, TENNESSEE 37401
400 Chestnut Street Tower II

November 8, 1979

DOCKET NUMBER 39
PROPOSED RULE PR-30 et al
(44FR 50012)

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Attention: Docketing and Service Branch

Dear Sir:



In response to the August 24, 1979, Federal Register notice (44 FR 50015-50025), the Tennessee Valley Authority (TVA) is pleased to provide comments on the proposed amendments on criteria related to uranium mill tailings. Our specific comments concern the technical criteria contained in Appendix A to Part 40.

With respect to Criterion 4, a potential conflict between Parts d and f exists. The promotion of deposition in (4(f)) could adversely impact the ability to establish a self-sustaining vegetative cover (4(d)). This potential conflict should be addressed in the criteria.

In Criterion 6 an earth cover of not less than three meters is suggested as necessary to reduce radon emissions. In many situations, however, a much thinner clay cover material can be used to meet desired levels and still resist erosion over reasonably long periods of time. Consequently, this criterion could be directed toward maintaining a sufficient cover without specifying a minimum level which may in some instances be unduly excessive.

In Criterion 7 the term "major site construction" is not defined. Since proposed Section 40.32(e) uses the concept of "commencement of construction," the relationship between Criterion 7 and this regulation should be clarified.

With regard to the surety arrangements in Criterion 9, we have two concerns. First, while this criterion would require surety arrangements to be periodically reviewed, no regulatory provision is provided in 10 CFR Part 40 governing this process. Second, as a general

Acknowledged by card 11/16 *of*

1468 214

7912 040 152

M-25

Secretary of the Commission

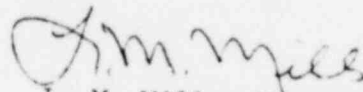
November 8, 1979

proposition, cash flows or cash reserves would not serve as an adequate surety device for tailings management (unlike 10 CFR 140.21(e)). The criterion should recognize, however, that a Federal licensee such as TVA need not have the same level of surety arrangements and that the cash flow method would be generally acceptable. Moreover, since Criterion 11 would not require transfer of any ownership interest in byproduct material or land by a Federal or State licensee before license termination, the need for extensive surety arrangements is absent because the licensee would still have legal responsibility arising out of its property interest.

Thank you for this opportunity to comment.

Very truly yours,

TENNESSEE VALLEY AUTHORITY



L. M. Mills, Manager
Nuclear Regulation and Safety

1468 215