

PDR

cc: Miller
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WESTERN NUCLEAR, INC.

EXECUTIVE OFFICE
134 UNION BOULEVARD · LAKEWOOD, COLORADO 80228 · (303) 986-4571



11-25

October 23, 1979

Director, Division of Waste Management
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



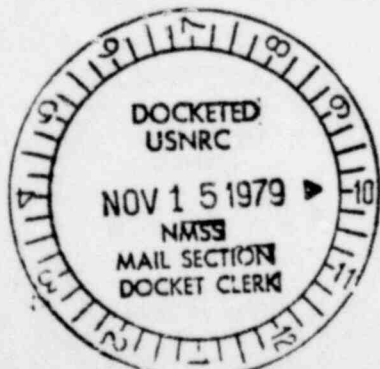
Dear Sir:

Western Nuclear, Inc. is a uranium mining company operating mining and milling facilities in the states of Washington and Wyoming and mining facilities in the state of New Mexico. In accordance with the Federal Register notice which pertains to regulations on uranium mill tailings licensing (44 CFR 50012), Western Nuclear submits the following comments:

1. Western Nuclear believes the draft GEIS grossly expands the potential radiological impact on public health and safety and thereby relies on potential adverse radiological effects to justify the rigid regulatory proposals of a radon flux limit of 2 pCi/m² per second and three meters of cover on reclaimed tailings. The justification for these standards is not based upon any scientific evidence but on desired NRC performance objectives. The draft GEIS should be revised and reissued in draft form and resubjected to necessary public scrutiny based upon sound and state-of-the-art scientific analyses.

2. Western Nuclear suggests additional consideration be given to the new Appendix A entitled "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Waste Produced by the Extraction or Concentration of Source Materials from Ores" being added to 10 CFR 40 prior to the distribution of the final Generic Environmental Impact Statement on Uranium Milling (GEIS). It appears NRC is proceeding prematurely since in a rulemaking process, the draft regulations should follow the final Generic Impact Statement, giving industry and the public an opportunity to comment on the regulations themselves.

3. Since the GEIS did not clearly distinguish between proposed and existing operations, the twelve technical criteria must consider site specific variations by including appropriate adaptable



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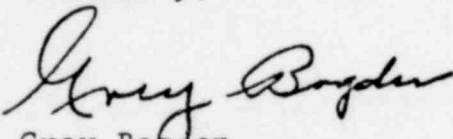
wording to meet significant operational differences. Western Nuclear requests the NRC to give industry and the public an opportunity to comment on the final twelve proposed criteria after the NRC has considered all the suggested comments submitted in the four days of hearings at Denver, Colorado and Albuquerque, New Mexico as well as comments which will be submitted in written form.

4. The draft GEIS gave a very brief consideration to the issue of "commingled" tailings, only referring to the Uranium Mill Tailings Radiation Control Act of 1978 assigning primary responsibility to the Department of Energy for carrying out remedial actions. As NRC is aware, the United States General Accounting Office recommended to Congress to provide financial assistance to active mill owners to share in the cost of cleaning up that portion of mill tailings generated under AEC or Federal contracts. (Controller General of the United States Report to the Honorable Mark O. Hatfield, Committee on Energy and Natural Resources.) There is other legislation pending which addresses commingled tailings. WNI recommends an appropriate solution would be to add a paragraph to Page 2 of the GEIS Summary exempting all tailings generated under the AEC contract pending final action of the U.S. Congress.

Western Nuclear totally endorses the position of the verbal and written testimony submitted by the American Mining Congress.

WNI appreciates the opportunity to comment on the draft GEIS and on the twelve technical criteria.

Sincerely,



Grey Bogden
Director Environmental
& Industrial Safety

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