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STATE OF ALASKA

JAY S. HAMMOND, Governor

OFFICE OF THE GOVERNOR

DIVISION OF POLICY DEVELOPMENT AND PLANNING

November 8, 1979



POUCH AD
JUNEAU, ALASKA 99811
PHONE: 461-3514



Mr. Ross A. Scarano, Section Leader
 Uranium Recovery Licensing Branch
 Division of Waste Management
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555

Subject: Uranium Mill Tailings Licensing EIS Amended Regulations

Dear Mr. Scarano:

The Alaska State Clearinghouse has completed review of the subject proposal.

The wording of the Summary which we received for review indicates that the amended regulations were issued "immediately," so the function of our review appears questionable.

It appears that further clarification is needed of some words used in these regulations.

According to regulations, licenses are required "to receive title to, receive, possess, use, transfer, deliver, or import into or export from the United States source or by-product materials as defined in this Part. 10CFR40.1." Unfortunately, "source" is not defined in the parts received for review, and phone calls to the informational contact at NRC remain unreturned. If source material is defined so as to include uranium or thorium bearing minerals, there could be serious problems in that a license, apparently costing \$7,000 on application and \$52,600 on issuance, might be required of anyone holding a mining claim in which these elements occur. That the federal government is capable of interpreting the presence of an element down to extreme quantals has been demonstrated in the long legal battles over the role of sodium, even as a trace component, in determination of leaseable versus locatable minerals.

From the wording of some of the sections as to the definition of "by-product," it appears that perhaps only minerals 'removed from their place of natural occurrence' would be affected. Still, this could create the licensing liability if the definition of source material were to include the minerals thorianite or monazite, both thorium-bearing minerals which are very common accessory minerals in lag concentrates from which gold is recovered. It could be that "ultimate utilization as ore for thorium or uranium" is a criterion of source, in which

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case, the ridiculous situation whereby a placer miner who recovers the accessory thorianite with his gold would be liable for the \$60,000 license whereas one who dumped the thorianite back into the stream would not need the license. Again, the extent of the problem if any, is strictly a function of the definition of "source," a definition we are unable to find.

We would urge that clarification and definition of these key words be accomplished to rectify these potential sources of confusion in the regulations.

Thank you for the opportunity to comment.

Sincerely,



Jerry L. Madden
State-Federal Coordinator

cc: Bob Sanders, DMEM
Bob Baldwin, DNR

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