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March 14, 1979

The Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Dear Sir:

The Uranium Environmental Subcommittee of the American Mining Congress has reviewed the draft NRC Regulatory Guide 3.8 "Preparation of Environmental Reports for Uranium Mills" and hereby submits the attached comments.

The American Mining Congress is an industry association that encompasses (1) producers of most of America's metals, coal, industrial and agricultural minerals; (2) manufacturers of mining and mineral processing machinery, equipment and supplies; and (3) engineering and consulting firms and financial institutions that serve the mining industry. Included in the AMC membership are most of the companies that mine and mill uranium in the United States. The Uranium Environmental Subcommittee is a group of company representatives whose responsibility includes review and comment on technical or scientific publications or regulations.

On behalf of the Subcommittee I would like to say we appreciate very much the opportunity to submit these comments to you. If questions arise concerning the comments submitted, please do not hesitate to contact me and I will attempt to have them answered.

Sincerely,

J R Walpole

James R. Walpole
Senior Counsel

Attachment

Acknowledged by card. 4/2

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J ALLEN OVERTON JR
PRESIDENT

COMMENTS OF THE URANIUM ENVIRONMENTAL SUBCOMMITTEE
OF THE AMERICAN MINING CONGRESS
ON NRC REGULATORY GUIDE 3.8
"PREPARATION OF ENVIRONMENTAL REPORTS
FOR URANIUM MILLS"

Throughout Regulatory Guide 3.8 there is verbage asking for information on "directly associated mining activities," "ore body location," "mining methods," "openings of related mines," and "inter-related mining activities." In fact, the headings for chapters 4 and 5 include environmental effects of mine opening and mine operation. We strongly oppose these provisions because the mill operator should only be responsible for impacts of activities within the source material license permit area and not for activities beyond his control. A custom mill could conceivably obtain ore from two or more mines and to require him to address the environmental effects of these mines is just not reasonable. Besides, mining is adequately covered by other federal and state laws and to address its impacts under this process is duplicative and unnecessary.

We agree that in certain cases, it is important to consider the cumulative and synergistic effects of a mining operation, (e.g. when the mill tailings are disposed of in a mine pit). But it should be made clear that this is limited to cases where the mine is intimately associated and contiguous with the mill.

There are also several references to other guides that are not directly applicable to a uranium mill (i.e., NRC Guide 1.23, "Onsite Meteorological Programs" for nuclear power stations and NRC Guide 1.111, "Methods for Estimating Atmospheric Transport and Dispersion for Gaseous Effluents in Routing Releases from Light - Water-Cooled Reactors"). We recommend that references to these particular guides be deleted because they confuse the issue. The important thing is that whatever program or model is adapted from available existing guides from NRC or other agencies, must be properly documented and defended.

The attached suggested changes are keyed by page number, section heading and paragraph. Deletions are indicated by ~~dashes threugh them~~ and suggested additions are <u>underscored</u>.

March 1979

A. Introduction

p. viii, A.3.a Purpose of this guide, 2nd Paragraph

The guide identifies information needed by the NRC staff in its assessment of the potential environmental effects of the proposed uranium mill and directly associated mining activities in areas contiguous with the mill site.

p. ix, A.3.C. Presentation of Information, last paragraph

The site for the mill may also be the site of the mine. The applicant, in preparing the environmental report relating to such a mill, should consider the cumulative or synergistic effects of directly associated mining activities, if the mine site is contiguous with the mill site.

Justification: This is to clarify the intent of the requirement that the cumulative or synergistic effects be considered. It is important that only mine areas contiguous with the mill be considered. A custom mill could be directly associated with several mines many miles away and to consider the synergistic or cumulative effects of these mines is unrealistic, if not impossible. Besides, this is clearly beyond the authority of NRC. The first sentence of the last paragraph of page ix attempts to limit the requirement. However, the suggested verbage will make it clearer and more realistic.

B. Standard Format And Content of Environmental Reports for Uranium Mills

p. 1-1, B.1 Proposed Activities

....For example, such matters as ~~ore reserves, ore body locations,~~ anticipated quantity of ore to be mined and milled, mining methods and reclamation plans for mines directly associated and contiguous with the mill, ore transport, milling processes, plans for tailings disposal and management,.....should be addressed.

Justification: Information such as ore reserves and ore body locations is proprietary and not necessary for determining environmental impacts of a uranium mill. In addition, information such as mining methods and reclamation plans for mine areas are only relevant if the mine is contiguous with the mill.

p.2-2, B.2.2 Uses of Adjacent Lands and Waters - second paragraph

~~Provide in tabular form for each of the 22-½-degree sectors centered on one of the 16 compass points; i.e.; north, north northeast, etc.; the distances (to a distance of 8 km (5 mi.) from the center of the site to the following:~~

~~a. nearest cattle (or other meat animals) grazing on natural forage~~
~~b. nearest game animals consumed by sportsmen~~
~~c. nearest residence~~
~~d. nearest site boundary~~

Justification: A general discussion of the nature and extent of present and projected land use within an 8 km (5 mi.) radius would suffice to determine potential exposure pathways on man and other biota. It is unnecessary to inventory specific gardens, game forage areas, grazing areas, etc. Other sections (i.e. Sections 5.1 and 5.2) would more appropriately address such specifics.

p. 2-10, B. 2.8 Meteorology

~~Guidance on acceptable onsite meteorological and data format is presented in Regulatory Guide 1.23 "Onsite Meteorological Programs."~~

Justification: Regulatory Guide 1.23 is a guide to onsite meteorological programs for nuclear power stations. The program is designed to provide meteorological data to use in assessing the effects of routine and accidental releases from a power plant. Both types of releases from a power station exceed potential releases from a uranium mill by large amounts. In addition, most of the releases from a uranium mill come from ground level sources (e.g. ore stockpiles, tailings areas). Regulatory Guide 1.23 calls for a tower instrumented at a minimum of two levels in order to measure the vertical temperature gradient and meteorological conditions at stack height. This is an inappropriate measurement of atmospheric stability for ground level sources.

It is recommended that the onsite meteorological programs be based on the expected releases from the particular mill and local topographic conditions. For most mill locations, the onsite meteorological programs need not be so elaborate as to include stability class determinations based on vertical temperature gradients because stability class data is available from the U.S. Weather Bureau. If such data is available, duplication of this data adds little to environmental impact determinations.

p. 3-1, B.3 The Mill And Directly Associated Mine Contiguous With The Mill

The operating mill and directly associated mine contiguous with the mill ~~mines~~ should be described in this chapter.

p.3-4 B.3.7 Mining Activities

This portion of the report should contain a thorough description of the ~~inter-related~~ mining activities directly associated with the mill and in areas contiguous with the mill including: . . .

Justification: The mill operator should only be responsible for activities directly related with the source material license and not for activities beyond his control. It is important to consider the cumulative and synergistic effects of mining activities only where the mine is intimately associated and contiguous with the mill.

P. 4-1, B.4. Environmental Effects of Site Preparation, Mill Construction, and Mine Opening

The construction of a uranium mill and the opening of a directly associated mine, contiguous with the mill site ~~openings of related mines~~ will inevitably affect the environment; some of the effects will be adverse and some may be beneficial.

Justification: The original sentence suggests that the openings of all mines that could conceivably supply ore to the proposed mill would have to be considered. This is beyond the purview of the Atomic Energy Act especially when these mines could be miles away from the mill site. It is important that only when a mine is directly associated and is contiguous with the mill, should its environmental effects be addressed in connection with a mill license application.

p.6-3, B.6.1.1 Surface Waters

If a body of surface water may be affected by the proposed activities, the applicant should describe the programs by which the background condition of the water and the related ecology were determined. If the background condition of a natural water body ~~has already been subjected~~ is possibly due to environmental stress from easily identifiable pollutant sources, ~~the nature of this stress and its consequences~~ these sources should be ~~evaluated~~ described. ~~The applicant should estimate the potential quality of the affected water body.~~

Justification: The background condition of the surface water is the pre-operational quality determined by the applicant regardless of whatever pollutant sources may have previously affected the water. It is enough to mention the easily identifiable pollution sources but it is not our duty to evaluate the nature of the stress.

p.6-4, B.6.1.3.1 Meteorology

. . . ~~Guidance for an acceptable meteorological measurement and for data format is presented in Regulatory Guide 1.23 (Safety Guide 23), "Onsite Meteorological Programs."~~

Justification: Same as that given for the suggested changes in Section 2.8, p.2-10.

P. 6-4, B.6.1.3.2 Models

...Staff guidance should be sought in adapting ~~existing guidance such as provided in Regulatory Guide 1.111, "Methods for Estimating Atmospheric Transport and Dispersion for Gaseous Effluents in Routine Releases from Light-Water-Cooled Reactors,~~" available models to the particular effluents from uranium ~~mines and~~ mills and directly associated mines contiguous with the mill site.

Justification: Any reference to a specific Regulatory Guide that is not directly applicable only confuses the issue. There are many models that can be adapted to the particular effluents from a uranium mill.

p. 9-1, 9. Decommissioning and Reclamation

In the discussion of reclamation of tailings disposal areas, consideration should be given to the ~~following~~ post-reclamation regulations promulgated by the NRC ~~performance objectives~~ (delete remainder of page).

Justification: The performance objectives contained in the draft Guide are already obsolete. NRC has stated they are preparing regulations on this subject.

P. 12-1, B.12 Environmental Approvals and Consultation, first paragraph and footnote.

List all licenses, permits, and other approvals of construction and operations required by Federal, State and local and regional authorities for the protection of the environment.*

*This list should be updated ~~bimonthly~~ semi-annually and whenever a critical permit has been approved.

Justification: The processing of permit applications usually takes some time as exemplified in the amount of time required to review and approve a mill license application. Bimonthly updates are unnecessary because the status of permit applications do not change significantly in such a short time. Semi-annual updates should be sufficient unless a critical permit is involved.