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A Cogema Resources Company

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May 16, 1994

Mr. Joe Holonich, Chief
High Level Waste and Uranium Recovery Projects Branch
U.S. Nuclear Regulatory Commission
Division of Waste Management, M.S. 5E2
11555 Rockville Pike
Rockville, Maryland 20850

RE: NRC Draft Directive on Release of Effluents from Uranium Recovery Facilities

Dear Mr. Holonich:

The Uranium Producers of America (UPA) is an association of domestic uranium mining companies with the purpose of promoting governmental policies, regulations and legislation which provide a balance between the industry's economic interests and environmental and occupational concerns. Many of our member companies are also members of the American Mining Congress and Wyoming Mining Association; however, we do have representatives who are not members of these groups and, therefore, rely on the UPA for input into regulatory policies.

The purpose of this letter is to acquaint you with the UPA and to provide comments on the NRC's Draft Directive on Release of Effluents from Uranium Recovery Facilities. The following are the UPA's comments on the Draft Directive:

1. The meeting held with the State of Wyoming and uranium industry representatives on April 19 was informative. It appeared that the meeting was geared towards operators that had recently applied for liquid effluent discharges. What was not addressed in the meeting to any large extent was the number of **existing** and currently **approved** effluent discharge methodologies at existing uranium recovery facilities.

NRC's Draft Directive states that "Evaporation ponds have generally constituted the most common practice for disposal of contaminated water at licensed uranium recovery operations", and other methods for effluent disposal are termed "alternative practice proposals". Evaporation may be the case for mill tailings impoundments, however, ISL uranium recovery facilities have historically used (not just proposed) a broad variety of permitted effluent disposal techniques for many years. Some of the facilities and their effluent disposal methodologies include the following:

COGEMA Mining, Inc. • Post Office Box 228 • Bruni, Texas 78344
Tel: (512) 747-5401 Fax: (512) 747-5428

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Licensee	Disposal Method	Status
Cogema Mining, Inc - Wyoming Irigaray	NPDES - Restoration Effluent Deep Well Injection Evaporation Ponds	In Use Approved for Use In Use
Christensen Ranch	NPDES - Restoration Effluent Deep Well Injection Evaporation Ponds	Approved for Use, Used in Past Approved for Use In Use
Cogema Mining, Inc. - Texas Holiday/El Mesquite O'Hern West Cole	Deep Well Injection Deep Well Injection Deep Well Injection	In Use In Use In Use
Energy Fuels, Reno Creek	Land Application	Application Pending
Ferret Nebraska	Deep Well Injection Land Application Evaporation Ponds	Application Pending Approved for Use (NRC) In Use
Pathfinder Mines Corporation North Butte ISL	Deep Well Injection Evaporation Ponds	Approved for Use Application Pending
Ruth ISL	NPDES - Restoration Effluent NPDES - Restoration Effluent Evaporation Ponds	Planned Approved for Use In Use
Power Resources, Inc. Highland, Wyoming	Deep Well Injection Land Application Land Application Land Application (2 irrigators)	In Use In Use Application Pending Planned
Rio Algom Mining Corp. Smith Ranch, Wyoming	Deep Well Injection NPDES - Restoration Effluent	Planned Used in the Past
Uranium Resources, Inc. Kingsville, Texas Rosita, Texas Longoria, Texas Benavides, Texas North Platte, Wyoming HRI - Church Rock, N.Mexico	Deep Well Injection Deep Well Injection NPDES - Restoration Effluent NPDES - Restoration Effluent NPDES - Restoration Effluent Deep Well Injection Evaporation Ponds	In Use In Use Used in the Past Used in the Past Used in the Past Application Pending Application Pending
Everest Minerals Corp., Texas	Deep Well Injection Land Application	In Use Used in the Past
USX, Texas	Deep Well Injection	In Use

UPA feels that the NRC Directive should be reworded to acknowledge the current methods of effluent management within the industry.

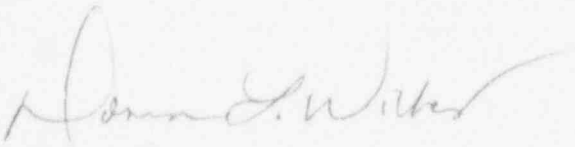
2. Also during the meeting on April 19, 1994, the applicability of the Directive for existing effluent discharge systems was discussed. It appeared from the discussions that existing deep injection wells and land application systems would be "grandfathered" with regards to the new Directive, however, NPDES discharge systems would be required to meet the requirements of the new Directive. UPA believes that all systems previously approved by the NRC license should continue to be approved without following the new Directive. All NPDES permits have EPA water quality standards built into them which licensees must meet; if the NRC license approves the use of this permit, these standards are the approved standards to be met by the licensee. Only a license amendment should change these approved limits. UPA requests that NRC reconsider their position for existing effluent systems and include existing NPDES permits approved for use by the NRC.
3. UPA requests that NRC review the inconsistency within their own regulations with regards to the EPA NPDES permit effluent standards for uranium mines and the effluent concentrations allowed in 10 CFR 20, Appendix B, Table 2. As noted in the April 19 meeting, 10 CFR 40, Appendix A Criterion 8 states that uranium byproduct material must be managed to conform to the applicable provisions of 40 CFR 440 (EPA NPDES effluent standards), while 10 CFR 20 requires different standards than 40 CFR 440. UPA believes that the 40 CFR 440 standards are the most applicable to effluents from uranium recovery facilities as 10 CFR 40 Appendix A is pertinent to uranium recovery licensees, whereas 10 CFR 20 is generally applicable to all NRC licensees.
4. It was not clear to the UPA membership at the April 19 meeting as to whether NRC's position is to regulate only radioactive materials in effluent discharges, or whether they intend to regulate both radioactive and non-radioactive constituents. UPA believes that the NRC's charter is to regulate radioactive materials; in states where non-radioactive constituents are already regulated by EPA and the state agencies, NRC should only regulate the radioactive aspects.
5. With regards to the last paragraph of the proposed Directive, UPA objects to the language which states that "all applications for release of licensed materials from uranium recovery operations need to demonstrate that the released effluents will not be returned to an aquifer or any other source of useable or potentially useable ground water, . . .". This language is very restrictive in the sense that the definitions of "aquifer", "useable" and "potentially useable" are too vague and open for interpretation. Additionally, this paragraph does not even allow the discharge of

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effluents to an aquifer, whether the discharge meets applicable standards or not. UPA would suggest deleting the last paragraph of the Directive.

The UPA appreciates this opportunity to provide comment, and looks forward to the resolution of these issues.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna L. Wichers". The signature is written in dark ink and is positioned above the printed name and title.

Donna L. Wichers
Chairman, Technical and Regulatory Committee