

March 15, 1976

File: 3346

Mr. H. John Abbiss
Manager
Safety and Environmental Services
United Nuclear Corporation
Mining and Milling Division
P. O. Box 3951
Albuquerque, New Mexico 87110

Dear Mr. Abbiss:

Your check in the amount of \$107.00 is being returned because
it was not signed. Please comply and return.

Very truly yours,

S. E. Reynolds
State Engineer

By:

M. B. Compton
Engineer
Water Rights Division

MBC:fr

Enc. Check No. 010008

9805010061 760315
PDR ADOCK 04008907
C PDR

United Nuclear - Check Rock
Tailings Dam

3/10/76

J. L. Whitcomb

State Engineer

Bob Rogers

" "

John Dudley

EIA

Al Watson

State Engr. Office

M. R. Compton

" " "

A. D. Tapp Jr

EIA Rad. Pres. Sec.

— CHN ABBISS

UNITED NUCLEAR CORP.

G. A. SWANQVIST

" "

Michael R. Jones

Kaiser Engineers

Robert C. Booth

SERGEANT, HAUSKINS & BECKWITH Engrs.

Al Japp

Here are the following problems with Church Rock.

No discussion of pumps, liquid level controls, etc in mill

No discussion of possibly monitoring power to scrubber to see if scrubber is on.

No indication of area of ore storage, ^{waste} here, or waste

No indication of scrubber efficiency

No data on release rates of Rn-222 in mill based on % radon in ore, leaching time, etc.

No data on escape from solvent extraction & precipitation of other contaminants ^{other} than radionuclides

Will grinding release any radionuclides?

How can present mill be related to mill in EPA-520/g-73-003-B & why then can release rates for EPA mill be used?

How about tailings discharge - is there double containment etc? What free board, beach area - will tailings which are dry be stabilized - how will mill & mine shutdown proceed.

.4 WL doesn't seem reasonable - also doesn't say anything about radon ^{mine effluent} itself in

What effect is there in returning tailing to mine.

Why isn't UN monitoring for Th-230 & Ra-222

More data needed on Ra-226 in mine waters

Tailings dam looks sort of unstable due to settling - leakage may be a problem

Betty



County/District Or		
TO	NAME	Mall Sta. & Rm. No.
	RUSSELL H. RHOADES	
	Occupational Health and Safety	
		DATE March 23, 1976
		FROM WILLIAM R. MURPHEY, Asst. Atty. Gen.
RE: MEMO ON JURISDICTION LINE BETWEEN E.I.A./RADIATION AND THE STATE MINE INSPECTOR		

The interface of the State Mine Inspector's authority under Chapter 63 with the E.I.A.'s authority under the Radiation Protection Act produces some different wrinkles. As discussed earlier, the State Mine Inspector has general safety responsibility for "mines;" that is, to provide rules and regulations for the protection of the life and safety of employees." Section 63-31-5, 6. "Life and safety" is broad enough to encompass health aspects of radiation exposure to employees. There does not appear to be a charge to the State Mine Inspector to regulate the environmental aspects of the mining of uranium.

The Radiation Protection Act charges the E.I.B. with regulation of both health and environmental aspects of radiation. Section 12-9-5(A) reads as follows:

"A. The board shall be the radiation protection consultant for all agencies and institutions of the state and shall, with the advice and consent of the council, have the authority to promulgate rules and regulations concerning the health and environmental aspects of radioactive material and radioactive equipment."

How much assistance the board might be able to provide the State Mine Inspector as his consultant for radiation protection is open for discussion. Section 12-9-9 of the Radiation Protection Act envisions the E.I.A. as the agency responsible for seeing that board regulations are followed, not the State Mine Inspector or any other state agency. The consultant role of the board is easily overlooked. Perhaps it could be of some future use in working with the State Mine Inspector. More significant is the grant of regulatory authority to the board for both health and environmental aspects of radioactive material and radiation equipment.

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The environmental aspect of radiation is the sole preserve of the Environmental Improvement Board. This should be applicable from the mines forward.

The health and safety aspects are more difficult.

Section 12-9-8(C), EXEMPTIONS, reads as follows:

"C. The Radiation Protection Act shall not apply to the mining, extraction, processing, storage or transportation of radioactive ores or uranium concentrates that are regulated by the United States Bureau of Mines or any other federal or state agency having authority unless the authority is ceded by such agency to the board." (emphasis added)

Historically, within the E.I.A., the provision has been read as drawing the line of authority between the E.I.A./E.I.B. and the State Mine Inspector at some point in the uranium production process. This line has often been considered to be at the mill, "processing" having been interpreted not to include milling.

A better reading would be to emphasize the words "that are regulated by." Since the State Mine Inspector is not given environmental duties, it is clearly an area that is not regulated by the State Mine Inspector. Thus, the environmental consequences of radioactive material encountered in the mining process is within the E.I.A./E.I.B.'s bailiwick whether in mine, mill, or in between.

Since the Mine Inspector has general safety authority in the broadly defined "mine" area, and since he does have regulations regarding safety, he "is regulating" in that area and the E.I.A. is preempted. This preemption would extend to the extent that he is regulating. Matters of health for which we have regulations and the State Mine Inspector has less effective regulations or lacks regulations altogether would appear to remain within the jurisdiction of the E.I.A./E.I.B. As with the OSHA act, the E.I.A. is again faced with a moving jurisdictional line depending on how

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active the State Mine Inspector is in fulfilling his legislative mandate. As with the OHSA act, this flexibility points out a need for a good working relationship with the State Mine Inspector if gaps and overlaps in coverage are to be avoided.

SANTA FE ENGINEERING OFFICE
SANTA FE, NEW MEXICO

OFFICIAL RECEIPT

RECEIVED NUMBER

DATE

Mar. 17, 1978

FILE NO. 3346

AMT REC'D

CASH

CHECK

CASH

CHECK

X

\$107.00

BANK

First National Bank, Albuquerque, N.M. \$107.00

FOR PAYMENT AS INDICATED BELOW

Application for Permit \$10.00 Inspection of plans \$97.00 Total \$107.00

NAME AND ADDRESS

Mr. H. John Abbiss

United Unclear Corp.

P. O. Box 3951

Albuquerque, New Mexico 87110

FOR USE BY SANTA FE OFFICE ONLY

WATER RIGHTS

DATE

EARNED

GW

SW

REFUND

TRANSCRIPT
EXH.

BALANCE

FOR USE BY ADMINISTRATIVE DIVISION

*Copy of Gas
Transfer to end*

*Sanle & Co
Inspection Report
for 79
incident
Jan 79
1/79*

MAR 23 1976

REVIEW OF UNITED NUCLEAR CORPORATION,
CHURCH ROCK MILL APPLICATION FOR
THE STATE OF NEW MEXICO

The application for Radioactive material license and the applicant's environmental report by United Nuclear Corporation have been reviewed for radiological health and safety omissions.

The application for radioactive material license indicates that the methods, frequency and standards for calibration of instruments and analytical techniques are described in the environmental report. While a general commitment to perform calibrations for survey instruments and analytical methods is stated, the information submitted is not specific enough to judge the adequacy of the program. Additional information about the calibration procedures for the determination of sensitivities of analytical instruments and survey instruments should be provided along with the confidence level of the calibration method. If commercial services are to be used for determination of radiation or chemical quantities, the applicant should indicate whether any procedures for submission of blind samples or other checks of adequacy are planned.

In the United Nuclear Corporation's environmental report, one method briefly discussed for tailings disposal was return of tailings sands to the mine as backfill. This alternative of tailings disposal was not discussed in detail.

The environmental report should address the hydrogeological aspects of the disposal of tailings in the mine, particularly after the mine is

MAR 4 3 1976

x closed. The possible contamination of a water table by leaching of radiological and chemical agents from the tailings should be discussed if such potential exists.