

NRCREP - Uranium Recovery GEIS

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Date: 08/29/2007 10:38 AM
Subject: Uranium Recovery GEIS
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Attached please find the Wyoming Mining Associations comments on the above referenced material.

Thank You
Wyoming Mining Association

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WYOMING MINING ASSOCIATION

August 22, 2007

Uranium Recovery GEIS
Chief
Rules Review and Directives Branch
Mail Stop T-6D59
U.S. Nuclear Regulatory Commission,
Washington, DC 20555-0001

Gentlemen:

**Subject: Wyoming Mining Association (WMA) - Comments on the
Notice of Intent to Prepare a Generic Environmental Impact Statement for
Uranium Milling Facilities Federal Register / Vol. 72, No. 141 / Tuesday, July
24, 2007 / Notices pages 40344 to 40346**

The Wyoming Mining Association (WMA) is an industry association representing mining companies, contractors, vendors, suppliers and consultants in the State of Wyoming. Among its mining industry members are uranium recovery licensees, including two (2) in-situ uranium recovery operators, one conventional uranium mill,, several companies planning to construct in-situ uranium recovery facilities and several companies conducting final reclamation/restoration operations. The Wyoming Mining Association (WMA) has reviewed the Notice of Intent and has the following comments:

The GEIS Process and Public Input

The Association believes that the GEIS approach to environmental impact statements for proposed in-situ uranium recovery facilities is appropriate for the following reasons:

- ♦ The in-situ uranium recovery process is similar from site to site regardless of the precise location of the recovery operations thus a generic approach is wholly adequate and site specific environmental impact statements are not and should not be required of potential licensees.
- ♦ A GEIS does not eliminate opportunities for public review since the public will be afforded ample opportunity to comment on individual license applications. In addition, the GEIS process itself is open to public review and comment through the scoping meetings that have already been held and the opportunity to submit comments regarding the scope of the document.
- ♦ There are a number of pending ISR projects in Wyoming and other States that will benefit from NRC efforts to assess the common environmental aspects and impacts of these low impact facilities on a generic basis. This will reduce the cost and time involved in licensing these projects and will allow the NRC staff to concentrate on the site specific aspects of each project.

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- ♦ The Association strongly encourages NRC to continue its 20-year-long practice of licensing new ISR facilities under an Environmental Assessment, or EA, which still falls under the NEPA process and public scrutiny. We do not agree that ISR is “milling underground”, because milling is crushing, grinding and processing rock for its uranium content above ground with the ultimate surface disposal of large volumes of radioactive mill tailings that must be deeded over to the U.S. government for long-term surveillance. None of these things occur in ISR. We believe that the GEIS for ISR facilities should conclude that an EA is sufficient for the continued licensing of ISR projects.

Extension of Comment Period

The scoping process should not be delayed . The Association finds the time granted for the preparation of comments is adequate. Many fledgling in-situ uranium recovery operators are now planning new facilities and need a definite timeline for development of the GEIS in order to plan their regulatory submittals. Extension of the scoping comment period would place this timeline in limbo. In addition, an extension of the GEIS timeline will diminish the usefulness of the GEIS because many of the planned applications will be submitted in the short term.

Update of the GEIS on Milling

The GEIS for conventional uranium milling was prepared in 1980. There have been substantial regulatory changes since that time and the Association believes that the GEIS on conventional milling should be revised to reflect the following changes.

- ♦ The Association believes that an update to the 1980 GEIS on conventional milling should be should be performed independent of the preparation of a generic EIS for ISR mining.
- ♦ ***NUREG-1620 - Standard Review Plan for the Review of a Reclamation Plan for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act of 1978***
This document dated June 2003 was prepared with the input of the uranium recovery industry and incorporates many of the changes in the regulation of conventional uranium mills since the publication of the 1980 GEIS on conventional uranium milling. Conclusions of this document should be included in the update of the GEIS on conventional milling.
- ♦ ***Staff Requirements Memoranda (SRM) for SECY-99-277 Concurrent Jurisdiction of Non-Radiological Hazards of Uranium Mill Tailings*** dated August 11, 2000.
This document stated, “*The Commission has determined that NRC has exclusive jurisdiction over both the radiological and non-radiological hazards of such material. The staff should ensure that all affected states are aware of this decision.*” This determination should be unambiguously included in a revision to the 1980 GEIS on uranium milling.
- ♦ ***Staff Requirements Memoranda (SRM) for SECY-99-012 Use of Uranium Mill Tailings Impoundments for the Disposal of Waste Other than 11e.(2) Byproduct Material and Reviews of Applications to Process Material Other than Natural Uranium Ores*** dated July 26, 2000.
The conclusions of this document should be included in a revision of the 1980 GEIS on conventional uranium milling.

- ◆ ***Regulatory Issues Summary (RIS) 00-23 Recent Changes to Uranium Recovery Policy*** dated November 30, 2000.

This document should be included as well since it includes the following new definition of ore developed subsequent to the publication of the 1980 GEIS on conventional milling.

- ◆ Conclusions of the ***Environmental Assessment for International Uranium (USA) Corporation's Uranium Mill Site White Mesa, San Juan County, Utah in Consideration of an Amendment to Source Material License SUA-1358 for the Receipt and Processing of the Molycorp Alternate Feed***

In this document the Nuclear Regulatory Commission staff "...determined that the Molycorp material should be classified as "source material" ore and is, therefore excluded by definition as a solid and hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR Part 261.4) NRC staff consulted with EPA region 8 staff who concurred with this interpretation.

- ◆ ***The National Mining Association's and the Fuel Cycle Facilities Forum's White Paper on Direct Disposal of Non-11e.(2) Byproduct Materials in Uranium Mill Tailings Impoundments***

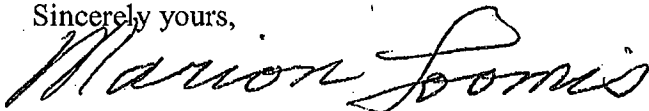
This document and its conclusions should be considered in the GEIS process.

Dual Jurisdiction

The Association requests that the Commission as part of the GEIS process finally resolve the outstanding issues regarding dual jurisdiction over in-situ uranium recovery wellfields so that States with EPA-approved Underground Injection Control programs can assume primary jurisdiction over in-situ uranium recovery wellfields.

The Wyoming Mining Association (WMA) appreciates the opportunity to comment on the scope of the proposed GEIS. If you have any questions please do not hesitate to contact me.

Sincerely yours,



Marion Loomis
Executive Director

cc: Katie Sweeney - National Mining Association (NMA)