

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED  
USNRC

Before Administrative Judges:  
Alan S. Rosenthal, Presiding Officer  
Dr Richard Cole, Special Assistant

March 15, 2002 (11:27AM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

IN THE MATTER OF: )

INTERNATIONAL URANIUM (USA) )  
CORPORATION )

Docket No. 40-8681-MLA-11

(Source Material License Amendment, )  
License No. SUA-1358) )

ASLBP No. 02-795-02-MLA

March 3, 2002

REQUEST THAT CERTAIN RECORDS BE  
PLACED IN THE HEARING FILE

Petitioner requests that the records listed in the attached "Nuclear Regulatory Commission Records to be Added to the Hearing File" be placed in the 2.1231 hearing file that the NRC Staff is establishing for this proceeding. Petitioner asserts that all of the records have direct bearing on the present proceeding and should be part of the hearing file.

The list includes some brief statements regarding why Petitioner believes that certain documents should be part of the hearing file.

Petitioner reserves the right to request additional material be made part of the hearing file.

Respectfully submitted,

*William E. Love*

William E. Love

Dated at Moab, Utah

This 3rd Day of March, 2000



Nov 16, 2001

From: International Uranium (USA) Corporation  
To: Mr Melvyn Leach, Director  
Fuel Cycle Licensing Branch  
U.S. Nuclear Regulatory Commission  
Subject: Drummed uranium material

Oct 17, 2001

From: International Uranium (USA) Corporation  
To: Mr Melvyn Leach, Director  
Fuel Cycle Licensing Branch  
U.S. Nuclear Regulatory Commission  
Subject: Information on drummed uranium material

The following comments refer to statements made in the October 17, 2001, letter from IUC to Melvyn Leach. All NRC documents which substantiate or do not substantiate statements made by IUC should be placed in the hearing file. If the NRC does not have documents substantiating IUC statements, please so state in the hearing file. The verification documents from NRC are necessary to show that the Molycorp material is different from other material received at the mill site. The following refer to the pages and paragraphs from the October 17, 2001, letter, and the items mentioned should be placed in the hearing file.

Page 2, Paragraph 6. Where does Amendment 10 to Molycorp's Radioactive License issued by the State of California indicate the drummed material has been classified as uranium and thorium source material? The part of Amendment 10 that indicates that the drummed material is a source material needs to be highlighted and placed separately in the hearing file.

Page 4, Paragraph 1, Item 2. The TCLP, STLC and TTLC test results are in Attachment 3. The methodology of the tests for the seventeen metals to verify the reliability of the three tests should be placed in the hearing file. The NRC also needed this information to verify the test result.

Page 4, Paragraph 2. An analysis of a typical bastnasite ore from the ore mined by Molycorp should be placed in the hearing file. This analysis was necessary for the NRC to determine that the lead sludge and drummed material are the same as the mined ore material and to determine that

the lead study is not a processed waste under the RCRA Bevill Amendment.

Page 5, Heading "USA/UDEQ Hazardous Waste Protocol" Section 2 and 3. Specific information that drummed material is not a listed hazardous waste is mentioned in the letter, and that information needs to be placed in the hearing file.

Page 5, Section 2. Any NRC information from California, Utah or Nevada that confirms material is not a listed hazardous waste should be placed in the hearing file.

Page 5, Section 3 A statement is made in the letter that the State of California considers the drummed uranium material to be uranium and thorium source material. A copy, from NRC records, of the document from California that certifies the material is a source material should be placed in the hearing file.

Page 6, Paragraph 2. The NRC documentation confirming the byproduct material is an 11e(2) byproduct should be placed in the hearing file to verify this statement in the letter.

Page 6, Transportation Considerations, Paragraph 1. The DOT classified this drummed material as an "environmentally hazardous substance solid." Any information justifying the DOT classification of the drummed material as hazardous should be placed in the hearing file.

I believe that the all the above material requested from the October 17, 2001, letter is necessary to show that the NRC did or did not perform "due diligence" in analyzing the drummed material request by IUC in their October 17, 2001 letter and to verify or not verify IUC's statements by the governmental agency responsible. If my requested material is not available in NRC files, please so state in the hearing file.

NRC Regulations "Interim Guidance on Disposal of Non Atomic Energy Act of 1954 Section 11e(2) Byproduct Material in Tailings Impoundments" November 30, 2000, and Section 1004 (27).

"Interim Position and Guidance on the Use of Uranium Mill Feed Material Other Than Natural Ores" from NRC Regulatory Issue Summary 2000-23

Meeting of 4/11/01 April 11, 2001, meeting at NRC headquarters for Docket No.

40-8681, License No. SUA-1358.

1) All letters from California, Nevada and Utah that the NRC requested after the meeting. See the last section of the 4/11/2000 meeting summary for details of NRC's requests to California, Utah and Nevada.

2) NRC legal opinion on EPA's concern in their February 12, 2001, letter to William Von Till in Paragraphs 2 and 3. This letter was part of the 4/11/2001 meeting.

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Docket No. 40-8681-MLA-11

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Request That Certain Records Be Placed in the Hearing File" have been served on the following persons by first class U.S. mail this 3rd day of March 2002, pursuant to 10 CFR 2.712 and 2.1203. Additional service via electronic mail is indicated by asterisk.

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