

July 29, 2002

Mr. William J. Sinclair, Director
Division of Radiation Control
Department of Environmental Quality
168 North 1950 West
P.O. Box 144850
Salt Lake City, UT 84114-4850

Dear Mr. Sinclair:

Our review of your regulations has identified that your groundwater protection regulations are based on Federal statutes other than the Uranium Mill Tailings Radiation Control Act of 1978, as amended. Our review identified that the rules have significant differences from the Nuclear Regulatory Commission (NRC) regulations. Due to the significant differences between these regulations, we need a detailed evaluation that demonstrates that the Utah regulations cover all current NRC requirements. Your submittals to date do not provide this information.

The staff will need the State of Utah's analysis of Utah's groundwater rules demonstrating that Utah's standard provides for the protection of public health, safety and the environment from radiological and non-radiological hazards associated with uranium milling sites. The Utah analysis should include information on how the Utah standard provides a level of protection which is equivalent to, or more stringent than the level which would be achieved by the NRC regulations. Please submit this analysis by August 20, 2002, using the format in the enclosure.

If you have any questions on the information needed or the alternative standards process, please contact me at 301-415-3340 or Dennis Sollenberger at 301-415-2819.

Sincerely,

/RA/

Paul H. Lohaus, Director
Office of State and Tribal Programs

Enclosure:
As stated

William J. Sinclair

Distribution:

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| OFFICE | STP | | STP:DD | | OGC | | STP:D | | | |
| NAME | DMSollenberger:kk:gd | JMPiccone | SATreby | PHLohaus | | | | | | |
| DATE | 07/23/02 | 07/24/02 | 07/26/02 | 07/29/02 | | | | | | |

OFFICIAL RECORD COPY

Analysis of the Groundwater Regulations for Uranium Mills in Utah
A Comparison to the Required NRC Regulations

| NRC regulation | Utah regulation | Differences | Equivalent, More Stringent, or Less Stringent | Comments |
|--|-----------------|-------------|---|----------|
| Definitions in App. A to 10 CFR 40 | | | | |
| Aquifer | | | | |
| Compliance Period | | | | |
| Ground water | | | | |
| Leachate | | | | |
| Liner | | | | |
| Point of Compliance | | | | |
| Uppermost aquifer | | | | |
| Requirements in Appendix A, Criterion 5 | | | | |
| 5B(1) | | | | |
| 5B(2)(a) | | | | |
| 5B(2)(b) | | | | |
| 5B(2)(c) | | | | |
| 5B(3)(a) including (i) thru (ix) | | | | |
| 5B(3)(b) including (i) thru (x) | | | | |
| 5B(4) | | | | |
| 5B(5) including (a), (b) and (c) | | | | |
| 5B(6) | | | | |
| 5B(6)(a) including (i) thru (ix) | | | | |
| 5B(6)(b) including (i) thru (x) | | | | |

| NRC regulation | Utah regulation | Differences | Equivalent, More Stringent, or Less Stringent | Comments |
|---|-----------------|-------------|---|----------|
| 5C | | | | |
| 5D | | | | |
| 5E(1) | | | | |
| 5E(2) | | | | |
| 5E(3) | | | | |
| 5E(4) | | | | |
| 5F | | | | |
| 5G(1) | | | | |
| 5G(2) | | | | |
| 5G(3) | | | | |
| 5H | | | | |
| Requirements in Criterion 7A for: | | | | |
| Detection monitoring program | | | | |
| Compliance monitoring program | | | | |
| Corrective action program | | | | |
| Corrective action monitoring program | | | | |
| Criterion 13, List of Constituents | | | | |

Additional text may be needed to describe any of the above elements in the analysis. This may be done through footnotes to the table and/or a narrative discussion of the table results.

The State of Utah should also include in the table and analysis additional requirements being imposed by their regulations that are not included in the NRC regulations.