



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE OF RADIATION PROTECTION

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July 22, 2011

Mr. Robert Lewis
U.S. Nuclear Regulatory Commission
FSME/DMSSA/NMPD
Mail Stop 8 E 24
Washington, D.C. 20555

Dear Mr. Lewis:

Dawn Mining Company (DMC) submitted an application for a radioactive materials license amendment for its Ford, Washington uranium millsite. The license amendment request is to extend the authorization of Midnite Mine water treatment plant sludge (MMWTP) into Tailings Disposal Area 4 (TDA-4). We are forwarding the amendment application and a copy of our Technical Evaluation Report to the U.S. Nuclear Regulatory Commission's State and Tribal programs (enclosed). We are requesting that the NRC confirm our analysis that DMC's request to extend disposal of MMWTP sludge into a tailings impoundment is consistent with NRC guidance that allows for non-11(e)2 byproduct material to be disposed into uranium mill tailings impoundments. Dennis Sollenberger of your staff is familiar with the DMC millsite and aware of NRC's previous concurrence that has allowed DMC to dispose of MMWTP sludge into TDA-4 since 2001.

DMC has requested to extend sludge disposal for as long as TDA-4 is open and available, but no longer than 2016. As stated in the application, current information indicates that TDA-4 will remain available for MMWTP solids disposal through at least 2013.¹ How far beyond 2013 TDA-4 may remain available for disposal is unknown at this time. The Washington State Department of Health has evaluated DMC's license amendment request for extension of MMWTP sludge through 2013 to ensure that: (1) there are no significant impacts to human health and the environment other than those previously evaluated; and (2) extension of sludge disposal into TDA-4 will not delay the December 31, 2019 deadline for the completion of the installation of the final cover and radon barrier. The department has summarized staff's technical review in the Technical Evaluation Report. Note that by extending MMWTP sludge disposal through 2013, the total volume of sludge disposal into TDA-4 will be only about 57% of the volume of sludge evaluated and authorized for disposal in 2000, and only about 50 % of the radioactivity.

¹ DMC refers to MMWTP sludge as MMWTP solids in their application. The MMWTP solid material described in their 2011 application is the same material referred to as sludge in DMC's 2000 and 2009 applications reviewed by NRC for concurrence.



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The initial authorization for MMWTP sludge disposal was granted by the department in 2001 after a detailed human health risk and environmental review. The authorization was granted after concurrence from the U.S. Nuclear Regulatory Commission, the U.S. Department of Energy, and the Northwest Regional Low-Level Waste Compact. Based on current information regarding how long TDA-4 will be available for sludge disposal, it is the department's intent to amend DMC's license at this point to allow extension for sludge disposal through 2013, if the Department of Energy, the Nuclear Regulatory Commission, and the Northwest Regional Low-Level Radioactive Waste Compact concur. We appreciate your timely review. You may contact me at (360) 236-3241 or mike.elsen@doh.wa.gov if you have any questions.

Sincerely,



for Mikel J. Elsen, Supervisor
Waste Management Section

Enclosures

cc: John Mudge, Dawn Mining Company
Robert E. Nelson, Dawn Mining Company
Mike Garner, Northwest Low-Level Waste Compact
Richard Bush, U.S. Department of Energy
Elly Hale, U.S. Environmental Protection Agency, Region X
Randy Connolly, Spokane Tribe of Indians