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U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

December 6, 1979

POOR ORIGINAL

Honorable Joseph Hendrie  
Chairman, Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Chairman Hendrie:

I am writing with several inquiries regarding the Commission's Agreement States program and uranium mill tailings control. Events this year have served to increase my concern about these activities.

The shut-down of the American Atomics plant in Tucson, Arizona and the uranium mill tailings dam break in New Mexico both indicated a lack of adequate oversight of Agreement States' licensing practices on the part of the NRC. Commissioner Gilinsky agreed that the Agreement States program had severe shortcomings at a Subcommittee hearing in July, and indicated that the Commission would undertake a thorough review of the oversight criteria in use by the Commission. It was disturbing to me, therefore, that the Commission decided to admit Rhode Island as a new Agreement State before the Commission had completed its review of the program.

The Congress this year modified the Agreement States program by correcting the Uranium Mill Tailings Control Act to end dual licensing of tailings disposal and milling in the Agreement States. I supported this correction with the understanding that the Commission would ensure that states' licensing programs would be carried out with safety and diligence. In this regard, I believe that one way to increase technical resources available to the Agreement States would be to use the divisions of the Commission which review NRC license applications to review licensing activities in the Agreement States. I am aware

1765 257

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that Commission divisions in addition to the Office of State Programs do now assist in program evaluation. But it seems to me that their role in inspection and enforcement or review of specific licensing actions could be expanded.

My specific questions are as follows:

- 1) Does the Commission agree with me that it would be productive to involve more fully and formally the Commission's licensing divisions in review of Agreement States' licensing activities?
- 2) Since the dual licensing arrangement has ended, what role is the Commission playing in reviewing mill tailings impoundments in Agreement States in light of the dam break at Church Rock? What is the status of reviews being carried out by the Agreement States?
- 3) At our hearing on the Church Rock dam failure in October, there was a discrepancy in testimony regarding the State of New Mexico's action on milling and tailings licenses. A state official, Cubia Clayton, testified that because of the state licensing agency's "other environmental protection mandate and staffing, there is opportunity for a more comprehensive review of license applications than is generally possible at the federal level." Another witness, representing Southwest Research and Information Center, claimed that although four licenses in New Mexico came up for renewal in 1976, "licenses have not been renewed and the companies are still in operation." The witness, Paul Robinson, also claimed that "New Mexico has never renewed a single uranium mill license in its history of its Agreement State status dating back to 1974."

I understand license renewal to be an important means of reviewing or requiring improvements for milling and disposal operations. What is the Commission's policy regarding relicensing? What is the normal time frame for processing license renewals? What is the status of license renewals in the State of New Mexico? What is the status of license renewals in other Agreement States where uranium milling operations are licensed?

POOR ORIGINAL

1765 258

4) The Uranium Mill Tailings Control Act requires that Agreement States programs be carried out in a manner equivalent to the Commission's. While there existed dual licensing authority, the Commission was setting licensing requirements for new operations in Agreement States. Since the States have begun carrying out all licensing activities, have substantive licensing requirements remained equivalent to those the Commission had imposed?

5) It has been suggested by members of Congress and witnesses at our hearings that research and development on improved methods of tailings control be increased. What recommendations can the Commission make in this regard?

6) What is the current status of the clean-up being conducted by United Nuclear Corporation of contamination resulting from the Church Rock spill?

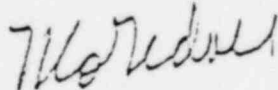
7) What is the status of groundwater and well monitoring in the area affected or potentially affected by the spill?

8) United Nuclear Corporation representatives at our hearing stated that the Church Rock tailings impoundment met "all design criteria established by the NRC," including Regulatory Guide 1.101. Did the Church Rock facility meet all NRC's impoundment design criteria?

Because of my interest in more direct participation of NRC's licensing staff in Agreement States reviews, I would appreciate receiving the comments of those divisions in your responses, where appropriate.

Please provide the information I have requested by January 30, 1980.

Sincerely,



MORRIS K. UDALL  
Chairman

POOR ORIGINAL

1765 259