



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
URANIUM RECOVERY FIELD OFFICE
BOX 25325
DENVER, COLORADO 80225

OCT 24 1989

URFO:EFH
Docket No. 40-8681

SUA-1358

Mr. Ronald N. Paltzke
Energy Fuels Nuclear
P.O. Box 152
Bingham Canyon, Utah 84006

Dear Mr. Paltzke:

This is in response to your requests made during our meeting of July 26, 1989, and subsequent telephone conversation. You requested that we inform you if disposal of radioactive-contaminated trash and equipment, resulting from the shutdown and decommissioning of your secondary recovery of uranium operations at the Bingham Canyon copper mill, could be authorized at the UMETCO White Mesa Uranium Mill tailings site near Blanding, Utah. The secondary recovery operations were performed pursuant to a permit issued by the State of Utah.

Wastes, contaminated trash and equipment from a secondary recovery operation are not considered by the Commission to meet the definition of byproduct material. In the Atomic Energy Act of 1954, as amended, byproduct material is defined (Section 11e(2)) as "the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content." Since the operations at Bingham Canyon were primarily for the extraction from ore of copper, the wastes generated are not byproduct material as defined above. The Uranium Mill Tailings Radiation Control Act of 1978, stipulated that all uranium mill tailings are to be reclaimed and title transferred to the Federal Government (or the State at its option) for perpetual care. If wastes that do not meet the definition of byproduct material are disposed of in a uranium mill tailings site, the Federal Government agency (in this case, the Department of Energy) may not be authorized to take possession of the site. This subject is currently being discussed with DOE. In addition, the Commission is considering whether the current position on disposal of wastes other than byproduct material should be reevaluated. If there is any change in Commission position, you will be informed.

It is our understanding that the material you wish to dispose of would be very small in relation to the volume of mill tailings at the White Mesa site and would have commensurate radioactivity levels. Therefore, from a technical standpoint, it may be possible for you to demonstrate that the proposed disposal would not have any adverse effects on the eventual reclamation of the

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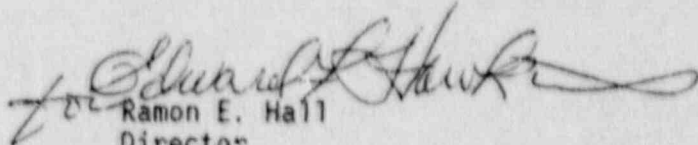
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OCT 24 1989

mill facility. However, you will need to receive from DOE (or the State) a statement that this disposal would not compromise their ability to take possession of the mill tailings site.

If we can be of any further assistance, please let us know.

Sincerely,


Ramon E. Hall
Director

cc: Mr. Larry Anderson, Utah Department of Health
Mr. Don Sparling, UMETCO White Mesa Mill

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