



# State of Utah

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## DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF RADIATION CONTROL

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December 28, 1993

Mr. Ramon E. Hall, Director  
Uranium Recovery Field Office  
Nuclear Regulatory Commission  
P.O. Box 25325  
Denver, CO. 80225

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Dear Mr. Hall:

During our monthly conference call on December 2, 1993, I discussed with you some specifics regarding licensing actions taken at the UMETCO White Mesa Mill in Blanding, Utah. The two license amendments in question allow UMETCO to receive in-situ uranium mill tailings waste for disposal (Amendment 55 approved August 2, 1993) and allow the reprocessing of Allied Signal material (Amendment 56 approved October 1, 1993) which is currently stored on-site. This material would be reprocessed during the mill run now scheduled during the 4th quarter of 1994.

As we discussed the license amendment process, the question was raised to how NRC determines if an Environmental Impact Statement is necessary. Both of the license amendments were granted categorical exclusion under 10 CFR 51.22. I would appreciate an explanation of how the determination of "no significance" was applied to these two license amendments. In the case of the in-situ amendment, it appears that significant amounts of waste could be shipped to UMETCO since the license amendment is fairly "open-ended" and allows 10,000 cubic yards from any single source.

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It appears that an obvious solution to the "open-ended" license amendments would be to approach each license amendment with specific conditions. The conditions should include statements as to the amount of material being transferred and from what source. NRC should not grant an amendment that does not identify a source or the amount of materials to be received by the licensee. The questions that are raised from this action are: What regulatory guidance was used in determining the acceptability of this material at UMETCO? Are there other licensees granted the same status? How much in-situ waste exists or is produced within the United States on an annual basis that would be available for disposal?

Regarding the Allied material, it is my understanding that NRC prepared a statement of basis which discusses the reasoning for granting of the license amendments. Considerations involved

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the characterization of the material (whether it was a RCRA mixed waste), whether the material was intended to be used for the primary recovery of uranium, and although not required, an analysis of the economics of the transaction (whether UMETCO was receiving a monetary benefit for taking the material). I would appreciate a brief summation of this document as well as a copy of the document for our files.

It was indicated during our recent phone conversation that the White Mesa Mill had a pending license renewal request. We would appreciate an explanation of how this process works and how the state could be involved in review of this renewal request as well as other mill sites in Utah. If you have a projected schedule for the license renewal review completion, we would also appreciate information on that aspect. It is my understanding that EPA has already requested some additional groundwater information be included in the renewal that would better characterize the site. This would be in support of receipt by the White Mesa Mill of the Monticello uranium mill tailings Superfund project.

Another concern focuses on the lack of public notice or opportunity for comment on major licensing actions by NRC. It is my understanding that no requirements exist for NRC with the exception of the EIS process that require public notice or a public comment period on major licensing action. The Utah Radiation Control Board recognized this gap recently and has issued "a public comment rulemaking" which will require all major waste disposal licensing actions to be public noticed. Certainly a public process would eliminate some of the controversy associated with these types of licensing actions. We would request that future license amendments involving waste disposal or reprocessing at uranium mill sites in Utah, including license renewals be subject to a public comment process.

We appreciate the cooperation of your office in keeping us informed of all activities relating to uranium mill facilities in Utah. I would appreciate your help in preparing a response to the questions raised so we can better understand the NRC decision making process relating to license amendments. We would again emphasize the need for a public comment process to allow us the opportunity to review NRC actions and express our concerns, if necessary. As always, we would be willing to discuss these issues with you in detail at your convenience.

Sincerely,



William J. Sinclair, Director  
Division of Radiation Control

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