



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

FEB 25 1994

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

Dear Mr. Sinclair:

I am responding to your letter of January 27, 1994, concerning the U.S. Nuclear Regulatory Commission's public participation process in radioactive materials licensing. In that letter, you indicated that the State of Utah did not believe that the NRC process for public participation was sufficient. You also included several recommendations that the State of Utah believed would improve the NRC public participation process.

As noted in the attachment to your letter, NRC approved three license amendments for the UMETCO White Mesa Uranium Mill in Blanding, Utah that allows the licensee to receive uranium or thorium mill waste for disposal or reprocessing through the mill. Consistent with federal requirements, these amendments did not need to be noticed for public comment. In reviewing your comments on the experiences in Utah, I can understand your view that more public involvement would be appropriate.

In reviewing federal requirements regarding public notification of licensing actions, we find that our past actions are consistent with our regulations and requirements under the National Environmental Policy Act. However, in order to foster better communication with the State, we will notify you directly and NRC will issue Federal Register Notices (FRNs) for mills in Utah upon both the receipt and the final resolution of a license amendment for a significant action, such as disposal of in situ waste material or significant changes to an approved reclamation plan. The FRN issued upon receipt of a significant license amendment will serve notice, under 10 CFR 2.1205(c)(1), that interested parties have 30 days to file a petition for hearing. The FRN issued at the final resolution of the license amendment will be for information purposes. In addition, where the license amendment raises significant or controversial issues, NRC would be willing to attend public meetings, as appropriate. The recent meeting you attended in Moab, Utah is an example of such activities.

08-197

NRC FILE CENTER COPY

9403140148 940225
PDR ADOCK 04008681
PDR

NUT 1/1

I believe that these steps coupled with the frequent interactions the staff has been undertaking with the State of Utah in the NRC's review of uranium recovery activities in Utah, will ensure a sound and effective working relationship. I trust that this reply clarifies NRC's position in this matter and responds to your concern.

Sincerely,

Original signed by
Robert M. Bernero
Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

TICKET: LLWM 94-013

CP
2/23/94
43

Distribution: See attachment

SUBJECT ABSTRACT: RESPONSE TO UTAH DIVISION OF RADIATION CONTROL/UMETCO WHITE MESA

*See previous concurrence

OFC	LLUR*	LLUR*	LLUR*	URFO		
NAME	SWastler	MFliegel	JHolonich	RHall		
DATE	02/16/94	02/16/94	02/16/94	02/29/94		
OFC	OSPE-mail	OGC*	LLWM	NMSS		NMSS
NAME	RBangart	RFonner	JGreeves	GArlotto		RBernero
DATE	02/18/94	02/16/94	02/18/94	02/ /94		02/27/94

S:\LLWMTYPE\JOAN\UT_L-013.SLW

OFFICIAL RECORD COPY

PDR : YES NO Category: Proprietary or CF Only
ACNW: YES NO Delete file after distribution Yes No
IG: YES NO

also included, for your information, a copy of the draft "Staff Meetings Open to the Public; Proposed Policy Statement." I believe that these steps coupled with the ongoing interactions the staff has been undertaking with the State of Utah in the NRC's review of uranium recovery activities in Utah, demonstrate a sound and effective working relationship. Because NRC does not implement the regulatory program of states, if the State of Utah still believes that a process similar to the one it uses on other licensees is needed, NRC would recommend that the State of Utah apply for agreement state status for uranium recovery activities.

I trust that this reply clarifies NRC's position in this matter and responds to your concern.

Sincerely,

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures: As stated

TICKET: LLWM 94-013

Distribution: See attachment
SUBJECT ABSTRACT: RESPONSE TO UTAH DIVISION OF RADIATION CONTROL/UMETCO WHITE MESA

*See previous concurrence

OFC	LLUR*		LLUR	LLUR	URFO		
NAME	SWastler		MFliegel	JHolenich	RHall		
DATE	02/16/94		02/16/94	02/16/94	02/ /94		
OFC	OSP		OGC*	LLWM	NMSS		NMSS
NAME	RBangart		RFonner	JGreeves	GArlotto		RBernero
DATE	02/ /94		02/16/94	02/ /94	02/ /94		02/ /94

S:\LLWMTYPE\JOAN\UT L-013.SLW

OFFICIAL RECORD COPY

PDR : YES X NO Category: Proprietary or CF Only
ACNW: YES X NO Delete file after distribution Yes X No
IG: YES NO X

also included, for your information, a copy of the draft "Staff Meetings Open to the Public; Proposed Policy Statement." I believe that these steps coupled with the ongoing interactions the staff has been undertaking with the State of Utah in the NRC's review of uranium recovery activities in Utah, demonstrate a sound and effective working relationship. Because NRC does not implement the regulatory program of states, if the State of Utah still believes that a process similar to the one it uses on other licensees is needed, NRC would recommend that the State of Utah apply for agreement state status for uranium recovery activities.

I trust that this reply clarifies NRC's position in this matter and responds to your concern.

Sincerely,

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

TICKET: LLWM 94-013

Distribution: See attachment

SUBJECT ABSTRACT: RESPONSE TO UTAH DIVISION OF RADIATION CONTROL/UMETCO WHITE MESA

OFC	LLUR		LLUR		LLUR		URFO		
NAME	SWastler		MFliegel		JHolonich		RHall		
DATE	02/16/94		02/ /94		02/ /94		02/ /94		
OFC	OSP		OGC <i>legu</i>		LLWM		NMSS		NMSS
NAME	RBangart		RFonner <i>tbl</i>		JGrees		GArlotto		RBernero
DATE	02/ /94		02/16/94		02/ /94		02/ /94		02/ /94

S:\LLWMTYPE\JOAN\UT L-013.SLW

OFFICIAL RECORD COPY

PDR : YES NO Category: Proprietary or CF Only
ACNW: YES NO Delete file after distribution Yes No
IG: YFS NO

FEB 25 1994

William J. Sinclair

TICKET: LLWM 94-013

Distribution:

PDR

Docket File 40-8681

OCA r/f

NMSS r/f

LIUR r/f

LLWM r/f

LLWM t/f

Dir r/f

DMorris

CPoland t/f

KDattilo

RBernero

GArlotto

MKnapp

JGreeves

MBell

PLohaus

JHolonich

JAustin

JSurmeier

MFliegel

DGillen

SWastler

TCombs, OSP 3D23

RFonner, OGC 15B18

PLohaus 3D23

STurk, OGC 15B18

CWoodhead, OGC 15B18

CHackney, RIV

WBrown, RIV

RHall, URFO

EHawkins, URFO

DWard, URFO