

## UNITED STATES NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20665-0001

FEB 2 5 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 <a href="#">Federal Register</a> 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.

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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

Distribution: See attachment

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

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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

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\*See previous concurrence

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Response to Sinclair Ltr of 1/27 -Reply

VRobert L. Fonn 02/16 13:47

From: Robert L. Former (RLF)

Ter: WN1:WN7:SLW1

Date: Wednesday, February 16, 1994 1:44 pm Subject: Response to Sinclair Ltr of 1/27 -Reply

I have no legal objection to the proposed answer to Mr. Sinclair e-mailed to me this morning.

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From: Robert L. Fonner (RLF)

To: WN1: WN7: SLW1

Tursday, February 22, 1994 11:56 am

Subject: RESPONSE TO SINGLAIR LETTER OF 1/27 -Repl

I have no legal objection to the Sinclair letter. S. Tork only needs to be on the concurrence block with respect to matters related to the Envirocare request for a hearing on the UMETCO amendment. Seneral stuff, like the Sinclair letter, does not need his concurrence. But if you have a doubt as to whether an item bears upon the Envirocare request for a hearing, please thack with hi

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From: Richard L. Bengant (RLB2

Tar WN7:5LW1

Friday, February 18, 1994 5:12 pm

Aubject: RESPONSE TO SINCLAIR LETTER OF 1/27 -Rep

## Sandi.

I've read the response to Sinclair, as revised by John Breeves, and concur for DSP. FYI, Tom Combs is not in the office today.

Did you ever get concurrence from OSF on the letter responding to Sinclair a December 28, 1993 letter? If you still need concurrence, I've got some minor comments from Tom for your consideration.

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TICKET: LLWM 94-013

## Distribution:

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