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# ENVIROCARE OF UTAH, INC.

THE SAFE ALTERNATIVE March 24, 1994

Central Docket Section LE-131  
Environmental Protection Agency  
Attn: Air Docket No. A-91-67  
Washington, DC 20460

Dear Central Docket Section:

The comments herein are being submitted on the proposed rules dated Monday, February 7, 1994, affecting 40 CFR Part 61, Subpart T, regarding National Emissions Standards for Hazardous Air Pollutants. Our comments have to do with the public participation process outlined in the proposed rules.

We are disturbed that the licensing agency is attempting to address the issue of public participation on the issue of mill reclamation scheduling simply through a notice in the Federal Register and by informal hearing, if so requested by the public in accordance with 10 CFR 2, Subpart L.

These proposed rules involve issues of local interest involving public health and environmental quality. Therefore, the NRC and EPA should use better means to accommodate public access to the approval process. The public participation processes should facilitate public information, involvement, and opportunity to comment.

The provisions of 10 CFR Part 2, Subpart L appear to be designed to deny and minimize public access and participation rather than facilitate and foster the same. The public, especially local citizens, should be made aware of the proposed rules through efforts conducted locally by the agencies to inform and educate. Conversely, 10 CFR 2, Subpart L also requires the public citizen to become an interested party and allows the NRC to grant the license amendment prior to completion of a public hearing. The requirements of interested parties is unnecessary and obstructive. Every member of the public, local or otherwise, as a taxpayer who is eventually responsible for long term ownership of these facilities, is clearly a stake holder financially and as a citizen has a right to comment on the environmental matters.

The Subpart L process wrongly allows the NRC to grant license amendments prior to completion of the public participation process. Therefore, this approach for public participation should not be used. The public participation process should be a principal portion of the approval process. Public access, particularly that which facilitates participation by local citizens, should be promoted by NRC and EPA. Efforts should be made through local news media to inform the local and nearby residents and communities of proposed rules and how to access the decision process.

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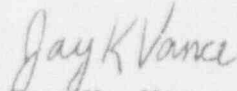
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Local public hearings and opportunities to comment on these issues should be publicized and conducted at the local level as a matter of course. The hearings should be held in local communities rather than in Washington, DC, a location too remote for many citizens. A hearing in Washington places the additional burden of travel on the public most affected by the issues under consideration.

Because of the impact to local mill communities, it is suggested that EPA and NRC expand and facilitate local participation in this process by holding public information meetings a few weeks prior to the hearings at or near mill communities. Announcements of such hearings and meetings should be provided to the public through available print and broadcast media. Simply publishing a notice in the Federal Register is not sufficient notice for citizens of mill communities.

Such an involved and localized process is not without precedence. For RCRA permit modifications, the EPA has a process of public information meetings, public hearings, public comment periods, mailing lists and requirements of publication. We cannot find any justification for such a double standard, and special preferential treatment of the mill sites. The NRC and EPA should implement similar measures for uranium mill issues to realize and maximize public involvement in this process. The current process does not currently meet these criteria.

Sincerely,



Jay K. Vance  
Permitting and Compliance Manager

c: Joseph Holonich, U.S. Nuclear Regulatory Commission  
William J. Sinclair, Utah Division of Radiation Control  
Elaine Carlin, Northwest Compact