

PDR

40-6659



Return to:
396-SS

ED HERSCHLER
GOVERNOR

Department of Environmental Quality

LAND QUALITY DIVISION

401 WEST 19TH STREET

TELEPHONE 307-777-7756

CHEYENNE, WYOMING 82002

September 14, 1982

Dale Smith
Division of Waste Management
Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Mr. Smith:

Please refer to the attached letter from Getty Oil Company. As you will notice, I have highlighted certain responses made by Getty to specific requests for information. Getty's response indicates that the requested information is on file with your agency.

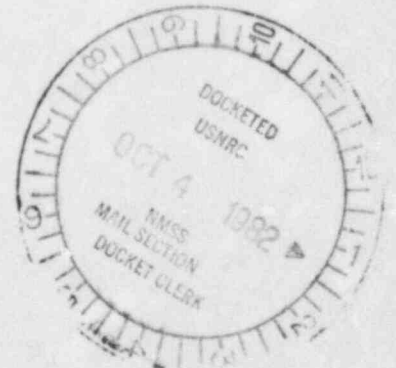
Please forward the information requested to my office at your earliest convenience. If I do not hear from you within thirty days, I must again direct my request to Getty.

I am sure you appreciate the need for inter-agency cooperation to reduce duplication and the attendant burdens on the mineral industry. In the spirit of this cooperation I will be awaiting your response.

Sincerely,

W.C. Ackerman

W.C. Ackerman
Administrator



WCA:kv
Enclosure
cc: Robert E. Sundin w/encl.
Bill Garland w/encl.
District II w/encl.
Getty Oil Company w/o encl.
Nancy Freudenthal w/encl.



FEE EXEMPT

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PDR ADDCK 04006659
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Getty

Petrochemicals Company | P. O. Box 2509, Shirley Basin, Wyoming 82615 • Telephone: (307) 234-9341

J. H. Whitman, Manager

August 9, 1982

Mr. Lynn Askew
Environmental Specialist
Department of Environmental Quality
Land Quality Division - District II
210 Lincoln Street
Lander, WY 82520



Dear Mr. Askew:

In your letter of July 21, 1982, you requested that we submit to you certain information. Some of the information is contained within your files and the remainder is on public file with the Nuclear Regulatory Commission (NRC). Consequently, we are confused as to why the request was made. Further, to the extent the request included items under the jurisdiction of NRC, we would like to know the legal authority upon which you are relying to make such requests. While we do not wish to belabor the jurisdictional conflict between NRC and the State of Wyoming concerning regulation of uranium mill tailings, duplicative regulation has been a continuing problem with the uranium operators caught in the middle. Based upon the Wyoming Attorney General's opinion dated December 1, 1979, it is clear that after November, 1981, the state is preempted from any regulation of uranium mill tailings.

Your most recent request appears to be in conflict with that opinion. Consequently, we would request a response from you to clarify this inconsistency.

Our response to your specific requests is set forth below. We have tried to direct you to the appropriate public records for each of the items. If, after you have responded to our questions concerning the authority for and purpose of your requests, you cannot obtain the information from the public records, we will try to accommodate your needs by providing copies.

Request: 1. A map on topographic base showing the following:

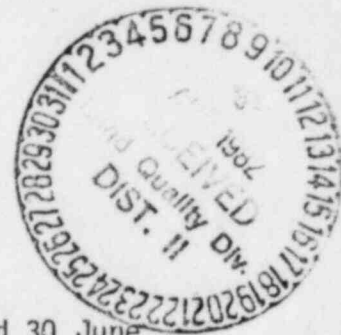
- a) The location and identification of all ground-water monitoring wells and piezometers including those used for monitoring tailings dam.

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Permit No. 351C

8-11-82
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Response: Please see the Annual Report for Mining Permit 351-C dated 30 June 1980, for the map of monitoring locations, with the exception of piezometer locations. The piezometer locations have been furnished to the NRC, to the Wyoming State Engineer and to Mr. J. Strohman of the Wyoming D.E.Q. Mr. Strohman was furnished a complete Construction Report of the Petrotomics' Tailings Embankment dated January 16, 1980, on January 22, 1980.

- Request: 1. b) The location and identification of all surface-water monitoring locations.
c) The location and identification of all vegetation-monitoring locations.

Response: Please see the Annual Report for Mining Permit 351-C dated 30 June 1980, for the map of all surface water and vegetation monitoring locations.

- Request: 2. The completion data and dates of completion for all ground-water monitoring wells and piezometers.

Response: This information is public and can be obtained from the Nuclear Regulatory Commission, to whom it has been supplied.

- Request: 3. The analytical results and records of all ground-water monitoring sites, and soil-monitoring sites, time inclusive from the dates of implementation to the present.

Response: Getty/Petrotomics Company has no requirements in our approved Mining Permit 351-C issued 30 June 1975, to monitor ground-water, surface-water, vegetation, or soils. Certain monitoring data has been furnished to the NRC previously.

- Request: 4. A copy of Getty's NRC license as it presently exists, including any amendments.

Response: Copies of Getty's current NRC license can be obtained from the NRC as it is public information.

Request: It is further requested that in the future, Getty submit the monitoring data for all surface-water, ground-water, vegetation monitoring and soils monitoring sites to the Land Quality Division semi-annually, at the same time it is submitted to the NRC.

Permit No. 351C

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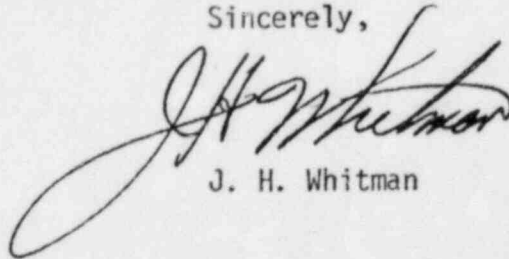
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We also request that any future amendments to the NRC license be submitted to the DEQ.

— Response: As we have previously pointed out to the Land Quality Division of the Department of Environmental Quality, it is our opinion that the regulation of uranium milling and mill tailings is within the exclusive federal jurisdiction of the NRC. Information, data, amendments, etc. which we obtain or supply from or to the NRC are public information and consequently, are available to the LQD through normal channels. We believe that submittal of this information to the LQD is duplicative and an unnecessary burden on Petrotomics' personnel.

We will await your response to our questions outlined above. Thank you for your cooperation.

Sincerely,



J. H. Whitman

JHW:MWB:ps



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