

Thomas W. Clawson
 Law Offices of
 Van Cott, Bagley, Cornwall and McCarthy
 50 South Main Street, Suite 1600
 Salt Lake City, Utah 84144

FEB 21 1994

Dear Mr. Clawson:

This is to acknowledge receipt of the Petition dated January 13, 1994, that you filed with the Nuclear Regulatory Commission (Commission) on behalf of Envirocare of Utah, Inc. The Petition states that it is a request for an informal hearing and a request pursuant to 10 C.F.R. § 2.206 to have the Commission institute a proceeding to modify, suspend or revoke Umetco Minerals Corporation's (Umetco) Source Materials License No. SUA-1358, as amended by the Commission staff on August 2, 1993. This action is requested pending the preparation of either an environmental assessment pursuant to the National Environmental Policy Act (NEPA) of 1969 or an environmental report under 10 C.F.R. § 51.60, and while a determination is made whether the amended license complies with controlling Commission rules and with standards promulgated by the Environmental Protection Agency, as required by 42 U.S.C.A. § 2114(a)(2). The basis asserted for the request pursuant to 10 C.F.R. § 2.206 is that the Commission has allowed Umetco to convert the White Mesa Mill facility into a major commercial byproduct materials disposal facility without a current environmental analysis in violation of NEPA and the Commission's environmental regulations and which allows disposal operations that were approved under standards now superseded.

Due to the fact that the issues raised in the Petition's request pursuant to 10 C.F.R. § 2.206 are also raised in the request for an informal hearing, we will not take action on the 10 C.F.R. § 2.206 request at this time. If the hearing request is granted, these issues would more logically be addressed in that forum. Accordingly, we will await the outcome of the hearing request before taking any action pursuant to 10 C.F.R. § 2.206 of the Commission's regulations.

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

TICKET: NMSS 94-051

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