

PDR

40-6659



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

A Unit of Getty Oil Company

August 26, 1982

Return to:
396-SS

U. S. Nuclear Regulatory Commission
Attention: Mr. Harry J. Pettengill
Operating Facilities Section IV
Uranium Recovery Licensing Branch
Division of Waste Management
7915 Eastern Avenue
Silver Springs, MD 29016

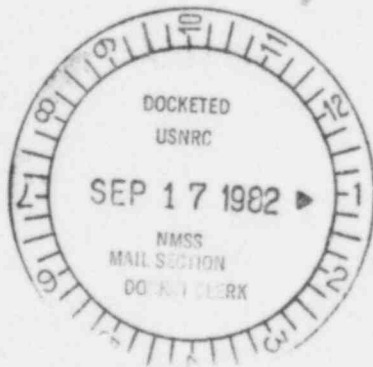
Dear Mr. Pettengill:

Please find attached copies of the letters received from the Wyoming Department of Environmental Quality and our responses to them.

If we can be of any further assistance, please let us know.

Sincerely,

Stephen J. Pfaff
Radiation Coordinator



SJP:ps
Attachments
cc: Mr. J. H. Whitman



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into only

THE STATE



OF WYOMING

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MAR 10 1982

J. H. WHITMAN

ED HERSCHLER
GOVERNOR

Department of Environmental Quality

LAND QUALITY DIVISION

401 WEST 19TH STREET

TELEPHONE 307-777-7756

CHEYENNE, WYOMING 82002

March 8, 1982

Mr. Judson H. Whitman, Manager
Getty/Petrochemicals Company
P.O. Box 2509
Shirley Basin, WY 82615

CERTIFIED MAIL - RETURN RECEIPT
REQUESTED

RE: Permit No. 351C, Uranium Mill Tailings

Dear Mr. Whitman:

It has recently come to our attention that radioactive wastes from companies other than the permittee have been deposited into uranium mill tailings disposal facilities in Wyoming. In an effort to gain an estimate of the amount and nature of this material, please send your records of how much material, of what chemical and radiological content, in what form, when and of what origin has been deposited in your tailings disposal area. Manifests from all shipments received should also be included in this package.

This information is requested by March 31, 1982 under the authority of W.S. 25-11-110(a)(x).

Sincerely,

W.C. Ackerman
Administrator

WCA:dlw

cc: Roger Shaffer
Mark Moxley

Certified No. 73657

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SJP
FYI & file

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APR 1 1982

J. H. WHITMAN



Getty Oil Company | P.O. Box 7900, Salt Lake City, Utah 84107 • Telephone (801) 263-3850

Joseph E. Ronan, Jr., Attorney

March 29, 1982

Mr. Walter C. Ackerman
Administrator
Land Quality Division
Department of Environmental Quality
State of Wyoming
401 West 19th Street
Cheyenne, Wyoming 82002

Re: Permit No. 351C, Uranium Mill Tailings
(Your letter of March 8, 1982)

Dear Walt:

On March 8, 1982, you wrote Mr. Judson H. Whitman, Manager, Getty/Petrotoomics Company, requesting certain information concerning the deposit of radioactive waste from companies other than Petrotoomics into our uranium mill tailings disposal facility. You requested information regarding the amount and nature of this material, including records on how much material, the chemical and radiological content, the form, when, and of what origin had been deposited in the tailings disposal area.

In 1981, Cleveland-Cliffs Iron Company and Uranium Supply Services Corporation received permission from the Nuclear Regulatory Commission, for the disposal of radioactive waste from their respective operations. In order to facilitate this disposal, Petrotoomics received two amendments to its Source Material License No. SUA-551 from the Uranium Recovery Licensing Branch of the Nuclear Regulatory Commission. Copies of these license are attached for your review.

In both instances, the Land Quality Division was informed of the planned disposal by the companies seeking to utilize the Petrotoomics tailings disposal area.

While we are providing this information to your office voluntarily, it is our opinion that the regulation of radiological hazards of uranium mill tailings is within the exclusive federal jurisdiction of the Nuclear Regulatory Commission pursuant to the authority of the Atomic Energy Act of 1954, as amended by the Uranium Mill Tailings Radiation Control Act. Our opinion is supported by the conclusion reached in the December 1, 1979 memorandum to Governor Herschler from Wyoming Attorney General John D. Troughton entitled, "Proposed DEQ

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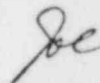
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Mr. Walter C. Ackerman
March 29, 1982
Page Two

Regulations on Mill Tailings and In Situ Mining-Jurisdiction of DEQ Relative to that of NRC". Accordingly, it follows that the Wyoming Department of Environmental Quality is precluded from, and is without jurisdiction over, the regulation of radiological hazards of uranium mill tailings.

If you have any further questions on this matter, please do not hesitate to contact me.

Sincerely,



JOSEPH E. RONAN, JR.

JER,Jr:lm1

cc: Messrs. J. H. Whitman
R. P. Blanc

enclosures

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JAN 21 1981

WMUR: Docket No. 40-6659
SUA-551, Amendment No. 8

Petrotomics Company
ATTN: Mr. Judd Whitman
P.O. Box 2509
Shirley Basin, Wyoming 82615

Gentlemen:

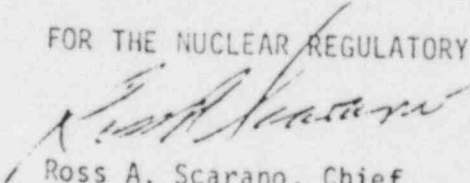
Pursuant to Title 10, Code of Federal Regulations, Part 40, Source Material License No. SUA-551 is hereby amended to add a new Condition No. 29 to read as follows:

29. The licensee is authorized to receive for disposal in its tailing impoundment surface wastes resulting from uranium solution extraction processes.

All other conditions to this license shall remain the same.

The above condition was agreed to in a telephone conversation between your Mr. H. Cooley and Mr. J. Kotsch of my staff.

FOR THE NUCLEAR REGULATORY COMMISSION


Ross A. Scarano, Chief
Uranium Recovery Licensing Branch
Division of Waste Management

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

RECEIVED
JUL 30 1981
J. H. WHITMAN

JUL 17 1981

WMUR:Docket No. 40-6659
SUA-551, Amendment No. 11

Petrotomics Company
ATTN: Mr. Judd Whitman
P. O. Box 2509
Shirley Basin, Wyoming 82615

Gentlemen:

Pursuant to Title 10, Code of Federal Regulations, Part 40, Source Material License No. SUA-551 is hereby amended to add a new Condition No. 30 to read as follows:

30. The licensee is authorized to receive for disposal in its tailings disposal impoundment water treatment pond sediments resulting from uranium mining activities.

All other conditions of this license shall remain the same.

The above condition was agreed to in a July 14, 1981 telephone conversation between you and Mr. J. Kotsch of my staff.

FOR THE NUCLEAR REGULATORY COMMISSION

Ross A. Scarano, Chief
Uranium Recovery Licensing Branch
Division of Waste Management

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THE STATE OF WYOMING

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JUL 22 1982

J. H. WHITMAN

ED HERSCHLER
GOVERNOR

Department of Environmental Quality

LAND QUALITY DIVISION - DISTRICT II

210 LINCOLN STREET

TELEPHONE 307-332-3047

LANDER, WYOMING 82520

July 21, 1982

BY CERTIFIED MAIL

Mr. Jud Whitman
Mine Manager
Getty/Petrotomics Co.
P. O. Box 2509
Shirley Basin, WY 82615

RE: Permit No. 351C

Dear Mr. Whitman:

Pursuant to Wyoming Statutes 35-11-109 and 35-11-110, the Land Quality Division hereby requests the information listed below be submitted to the District II office no later than August 1, 1982.

1. A map on topographic base showing the following:
 - a. The location and identification of all groundwater monitoring wells and piezometers including those used for monitoring the tailings dam;
 - b. The location and identification of all surface water monitoring locations;
 - c. The location and identification of all vegetation monitoring locations; and
 - d. The location and identification of all soil monitoring locations.
2. The completion data and dates of completion for all groundwater monitor wells and piezometers.
3. The analytical results and records of all groundwater monitoring sites, surface water monitoring sites, vegetation monitoring sites, and soils monitoring sites, time inclusive from the dates of implementation to the present.

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Jud Whitman
Getty/Petrotomics, 351C
July 21, 1982
Page 2

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

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

We also request that any future amendments to the NRC license be submitted to the Dept. of Environmental Quality.

Sincerely,



Lynn Askew
Environmental Specialist

LA:mm

cc: W. C. Ackerman - Cheyenne DEQ-LQD
R. Shaffer - Cheyenne DEQ-LQD



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 the tailings dam.

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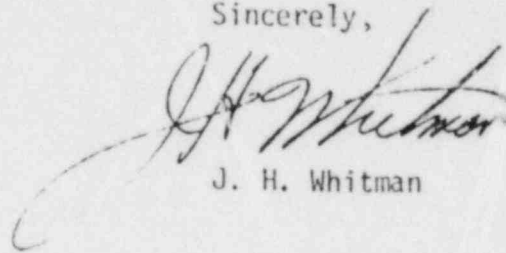
Mr. Lynn Askew
August 4, 1982
Page 3

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
bcc: Messrs. J. Ronan
S. J. Pfaff ✓
M. W. Bennett