



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF RADIATION CONTROL

Michael O. Leavitt
Governor

Dianne R. Nielson, Ph.D.
Executive Director

William J. Sinclair
Director

168 North 1950 West
P.O. Box 144850
Salt Lake City, Utah 84114-4850
(801) 536-4250 Voice
(801) 533-4097 Fax
(801) 536-4414 T.D.D.

October 27, 1997

Richard Blubaugh
Atlas Corporation
Republic Plaza
370 17th Street, Suite 3050
Denver, CO 80202

40-3453

Dear Mr. Blubaugh:

This is a follow-up to your request at the October Radiation Control Board meeting. A Moab citizen (Peter Heaney) has requested State intervention in the NRC's Final Technical Evaluation Report decision to cap the Atlas tailings pile in place. In his correspondence, several technical engineering and site stability ~~questions~~ were raised. I provided you with a copy of the correspondence following the October Radiation Control Board meeting. As a result of the request and issues raised, I have scheduled the issue for the next meeting of the Utah Radiation Control Board to be held at the Senior Citizen's Center in Moab beginning at 9:30 a.m. A copy of the tentative agenda is enclosed.

At the Moab meeting, I am requesting that you take twenty minutes or less to address the Atlas response to the issues before the Board. This will follow a presentation by Mr. Heaney of similar duration and a report by my staff on the issues. Unfortunately, the Attorney General staff is not available to attend the meeting. Without their legal advice, I feel that a final decision on this issue would be premature. However, this meeting will give the Board the opportunity to hear the various technical issues from all sides such that they can render a final decision at the December Board meeting to be held December 5, 1997 in Salt Lake City. This will also allow the Board time to study the various technical issues and information before making a final decision.

Please feel free to provide the Board with any handouts or other information you feel is appropriate regarding your position on this matter. We look forward to hearing from you at our Moab meeting. If you have any questions, please do not hesitate to contact me.

Sincerely,

William J. Sinclair
Executive Secretary
Utah Radiation Control Board

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NLS

- c: Norm Sunderland, Chairman, Utah Radiation Control Board
Denise Chancellor, Utah Attorney General's Office
Joseph Holonich, NRC Uranium Recovery Branch
Dianne Nielson, Ph.D., Executive Director, UDEQ

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RADIATION CONTROL BOARD

Department of Environmental Quality (Bldg #2)
Senior Citizens Center, 450 East 100 North, Moab, Utah
9:30 am- Noon, NOVEMBER 7, 1997

TENTATIVE AGENDA

- I. Approval of October 3, 1997 Minutes (**Board action item**)
- II. Rules (**Board action item**)
Changes to R313-12, 17, 15, 18, 25, 32, approval to be sent out for public comment
- III. Radioactive Materials Licensing/Inspection (**Board information item**)
 - a. Portable gauge users seminar - November 12, 1997
- IV. X-Ray Registration/Inspection (**Board information item**)
No items
- V. Radioactive Waste Disposal (**Board information items**)
 - a. Summary of All Agreement States Meeting of October 16-18, 1997
 - b. Summary of Low-Level Waste Forum Meeting, October 20-23, 1997, Annapolis, MD
 - c. Summary of Northwest Interstate Compact Meeting, of November 5, 1997 in Seattle, WA
 - d. DRC/Envirocare enforcement conference of October 8, 1997 and subsequent letter of October 23, 1997
- VI. Uranium Mill Tailings Update
 - a. White Mesa Mill status report - Harold Roberts, CEO, International Uranium Corporation (**Board information item**)
 - b. Request to intervene in the Atlas tailings Final Technical Evaluation Report decision (**Board action item**)
- VII. Other Department Issues (**Board information item**)
 - a. Private Fuel Storage updates - Dianne Nielson
- VIII. Other issues:
 - a. Next meeting - working session at 1:30 p.m. - Discussion of Envirocare licensing process and potential administrative actions
 - b. Next Board Meeting - December 5, 1997, Conference Room 101, 168 North 1950 West, DEQ Bldg #2, 2 P.M.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Human Resource Management of the Department of Environmental Quality at 168 North 1950 West, Salt Lake City, Utah 84116, phone number (801)-536-4410, TDD 536-4414, at least three working prior to the meeting.