

**FAX**

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**State of Utah** *UT file*

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SUBJECT: PUBLIC HEARING INFORMATION - SCOPING MEETINGS

**COMMENTS**

TO FOLLOW IS A PRESS RELEASE ON THE UPCOMING PUBLIC MEETINGS TO DECIDE

IF UTAH SHOULD REGULATE URANIUM MILLS AND TAILINGS

*Re: SP-99-074*

*PDR STPRG*

*SP08*

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# State of Utah

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Oct. 28, 1999

## FOR IMMEDIATE RELEASE

**SUBJECT:** Public Meetings to Decide if Utah Should  
Run Uranium Mill and Tailings Program

**CONTACT:** Bill Sinclair, Director  
Division of Radiation Control, 536-4255

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DEQ Community Relations, 536-4478

The federal Nuclear Regulatory Commission regulates Utah's uranium mills and tailings piles. The Department of Environmental Quality's Division of Radiation Control will hold five public meetings to consider whether the state or NRC should be the regulator.

"We are gathering feedback from stakeholders and the public to determine whether the state should pursue this option," Radiation Control Director Bill Sinclair said. "Utah has a tradition of administering environmental programs at the state level. We are evaluating the benefits of state authority over uranium mills and tailings."

Regulated facilities include Rio Algom in Lisbon Valley, International Uranium's White Mesa Mill in Blanding, Plateau Resources' Shooting Canyon Mill in Ticaboo, Envirocare in Tooele County and the Atlas Mill in Moab.

Meetings begin Nov. 5 in Salt Lake City and move to every area that has uranium mills or tailings piles.

The first one will be at the Department of Environmental Quality, 168 N. 1950 West, Salt Lake City in Conference Room 101 on Nov. 5 from 3 to 5 p.m. following the Utah Radiation Control Board meeting.

Others will be:

- Nov. 10, 7 to 9 p.m., Tooele County Health Department Auditorium, 151 N. Main St., Tooele.
- Nov. 15, 6 to 8 p.m., Old Ticaboo School House, Intersection of Ticaboo and Powell Drives in Ticaboo.
- Nov. 16, 7 to 9 p.m., Utah National Guard Armory, 10<sup>th</sup> West Freeway, Building 105-5, Blanding.
- Nov. 17, 7 to 9 p.m., Grand County Council Chambers, 125 E. Center St., Moab.

Written comment may be submitted to Utah Division of Radiation Control, 168 N. 1950 West, Salt Lake City, UT 84116 prior to Dec. 6. For additional information, contact the Division of Radiation Control at (801) 536-4250.

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## SCOPING DOCUMENT

November 1999

*The Utah Department of Environmental Quality, Division of Radiation Control is seeking comment on the following proposed action:*

**The State of Utah Will Amend Its Agreement With The Nuclear Regulatory Commission (NRC) To Regulate Uranium Mills and Tailings**

### *Background*

Under Section 274 of the Atomic Energy Act (enacted in 1959), the NRC may transfer certain authority to States. The State must apply for and be granted primacy (Agreement State status) for NRC administered programs. The State of Utah is already an Agreement State for radioactive materials and low-level radioactive wastes. The current Agreement with the NRC would have to be amended to include uranium mills and tailings. Once the Agreement is amended, NRC relinquishes the program to the State.

Facilities that would be included in an amended Agreement include the Rio Algom, Lisbon Valley which is being closed; International Uranium's White Mesa Mill, Blanding, Utah which is operating Plateau Resources Shootaring Canyon Mill, Ticaboo, Utah which is on standby operational status; Envirocare, an ongoing commercial disposal operation, Tooele County, Utah; and the Atlas Mill, Moat which is currently undergoing bankruptcy proceedings.

Agreement State Status for uranium mills and tailings is being evaluated because:

- the delegation is consistent with how other Utah environmental programs are administered
- it provides options regarding alternate feed processing
- concerns have been heightened by recent bankruptcy and insufficient funds to close the Atlas mill site
- it is an opportunity for enhanced inspection and public participation for Utah uranium mill and tailings sites, and for resolving disputed jurisdiction issues.

### *Process for Amending the Current Agreement*

The process for amending an existing Agreement begins when the Governor submits a letter of intent to the NRC. This alerts NRC that the State will pursue the amended Agreement to a successful conclusion. Prior to submitting a draft application, an evaluation of statutory and rulemaking changes must be done. This evaluation may lead to changes to the Radiation Control Act and Utah Radiation Control Rules that will be implemented prior to submitting the draft application. After issues have been worked out between the State and NRC during the draft application review process, a formal application amendment is submitted by the Governor to the NRC.

Upon receipt of the formal application, the NRC will determine acceptability. If acceptable, a notice in the Federal Register will be published once per week for thirty days. This allows public comment on the proposed Commission decision to amend the Agreement. The NRC staff reviews any comments and prepares an action paper after consideration of comments for Commission approval. Upon Commission approval, the NRC Chairman and the Governor formally sign the Agreement and an orderly, phased assumption of authority commences. NRC continues to evaluate the adequacy and compatibility of the Utah program through periodic program reviews.

### *What are some considerations relating to funding of this program?*

Currently, NRC charges Utah licensees a combination of annual fees, inspection fees, and review fees. Average annual fees range from 0 - \$96,400 for any one of the five Utah facilities. Average review fees range from \$7,842 - \$84,781. Average inspection fees range from \$2,687 - \$35,219. (SOURCE: NRC data from 1998-1999). The Utah facilities (excluding Atlas) contributed an average of \$476,938 to the NRC in fees. The Division of Radiation Control is seeking feedback about whether these revenue sources are appropriate to continue to fund the program at the State level. Additionally, feedback is sought on whether a disposal or reprocessing fee should be applied to uranium mill tailings [i.e. (2) wastes] at Utah facilities. Currently no reprocessing or disposal fees are collected for uranium mill tailings waste in Utah. Other radioactive wastes are assessed disposal fees that range from \$2.50 - \$28 per ton.

### *What are some considerations relating to staffing of this program?*

The Division of Radiation Control seeks feedback on the appropriate level of staffing to administer this new program. The Division is considering the need for additional staffing with expertise in health physics, groundwater hydrology, and engineering. Additional administrative support will also be needed. The Division is seeking feedback on the value of having an inspector assigned to Southeastern Utah that would handle a variety of functions in the area including enhanced inspection of the uranium mills. The Division is also seeking feedback on the appropriate level of staffing to implement and continue this program as an Agreement State.

### *What are other considerations?*

The Division seeks feedback on the reasons to seek Agreement State status (primacy) for the uranium mills and tailings program or not to seek primacy for the program. Another consideration is what the "scope" of the amended Agreement should include. Should the Division attempt to exclude the Atlas mill site as part of the amended Agreement? The Division also seeks input as to other issues that should be considered. Are there issues the Division has not considered as part of the scoping process?

### *Public participation*

Five scoping meetings are scheduled: Salt Lake City (November 5<sup>th</sup>), Tooele (November 10<sup>th</sup>), Ticaboo (November 15<sup>th</sup>), Blanding (November 16<sup>th</sup>), and Moab (November 17<sup>th</sup>). A public comment period commences on November 2, 1999 and ends December 6, 1999. Announcement of the public meetings and the comment period appeared in newspapers close to impacted facilities and statewide. For more information on the scoping process, visit the Division website at:

[http://www.deq.state.ut.us/cqrad/re\\_hmpg.htm](http://www.deq.state.ut.us/cqrad/re_hmpg.htm) or call the Division of Radiation Control at (801)-536-4250.