

February 28, 1997

40-3453

Mr. John Darke
In Route General Delivery
Moab, UT 84532

Dear Mr. Darke:

I have been asked to respond to your January 21, 1997, telephone call to Chairman Jackson's staff requesting the re-establishment of a local public document room (LPDR) near Atlas Corporation's (Atlas) Moab, Utah, facility. As the result of a recent reorganization, the Freedom of Information/Local Public Document Room Branch, which is responsible for the placement and operation of LPDRs, now reports to me.

During your conversation, you stated that the LPDR is needed in light of an ongoing Atlas licensing action and mentioned that you have raised the LPDR issue with various NRC staff members since 1987. You also indicated that the LPDRs closest to Moab that have information on the Atlas facility are the ones maintained for Ft. St. Vrain in Greeley, Colorado, and for Palo Verde in Phoenix, Arizona. Both of these LPDRs have microfiche containing records made publicly available by the Nuclear Regulatory Commission (NRC) since 1981 on all dockets.

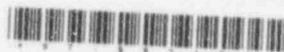
As you know, the LPDR program was started in the early 1970s by the Atomic Energy Commission (AEC) as a mechanism to provide local citizens with access to records relating to hearings held on applications for construction permits and operating licenses for nuclear power plants. Over the years, LPDRs for other types of facilities, such as the Atlas uranium mill, were established on a case-by-case basis at the discretion of AEC and NRC officials. In the early 1980s, LPDRs supporting certain nuclear materials facilities, including the one in Moab, were closed when it was determined there was no longer a sufficient need in view of resource and budget constraints to continue to support them.

LPDRs are now required by NRC regulations for all power reactors, the proposed high-level waste repository at Yucca Mountain, Nevada, and the gaseous diffusion plants in Kentucky and Ohio. Although LPDRs are not required for uranium recovery/milling facilities, current agency policy related to 10 CFR Part 2, Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings," is to establish such LPDRs if all three of the following criteria are met:

- (1) intervention is granted,
- (2) the site is not near an existing LPDR, and
- (3) the staff determines an LPDR is necessary.

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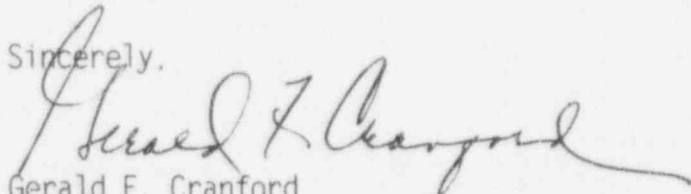
LPDRs established for Subpart L proceedings are retained for the duration of the hearing. Based on the general agency policy regarding LPDRs, which I understand has been discussed with you on several occasions (see enclosed letters from the Director, Division of Freedom of Information and Publications Services (DFIPS), Office of Administration, dated December 20, 1989, March 27, 1989, July 11, 1988, and October 13, 1987), I am declining to re-establish the requested LPDR at this time.

In spite of this decision, we believe your ability to participate effectively in the regulatory process regarding the Atlas facility has not been compromised. As you are aware, the Public Document Room (PDR) in Washington, DC, is the NRC's central repository for publicly available records. The PDR is staffed with technically trained reference librarians who provide toll-free reference assistance and operate a toll-free online database tailored for public users. The PDR's onsite contractor is available to copy and mail requested documents for a nominal fee. If you would like to obtain copies of records on the Atlas facility, please contact the PDR at (800) 397-4209. The PDR's duplication fees were recently revised and published in the Federal Register as a final rule on January 28, 1997. A copy of the final rule is enclosed for your information and future reference.

We note that a notice of opportunity for a hearing under the provisions of 10 CFR Part 2, Subpart L, on Atlas' application to revise a site-reclamation milestone for the Moab, Utah, facility was published in the Federal Register on January 22, 1997 (62 FR 3313). We understand that you have filed a request for hearing on Atlas' license amendment application which has been referred to a presiding officer assigned from the Atomic Safety and Licensing Board Panel for consideration. If a hearing is granted in response to your or another request, we will reconsider our position relative to an LPDR in Moab, Utah, in accordance with the guidelines related to Subpart L hearings that are described above.

I hope this letter clarifies the NRC's position regarding LPDRs for uranium facilities, and responds to the issues you raised with Chairman Jackson's staff on January 21, 1997. If you have any additional questions regarding LPDRs, please do not hesitate to contact Ms. Jona Souder, LPDR Program Manager, at (800) 638-8081.

Sincerely,


Gerald F. Cranford
Director, Office of Information
Resources Management

Enclosures:

1. Letters to Darke fm DFIPS
2. PDR Duplication Fees

J. Darke

-2-

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Sincerely, /s/
Gerald F. Cranford
Director, Office of Information
Resources Management

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DATE	02/ /97	02/ /97	02/ /97	02/ /97	02/ /97

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J. Darke

-2-

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Sincerely,
Gerald F. Cranford
Director, Office of Information
Resources Management

Enclosures:

1. Letters to Darke fm DFIPS
2. PDR Duplication Fees
3. Notice of Opportunity for a Hearing

DISTRIBUTION: Chairman Jackson; AGalante, CIO; EDO; OGC; SECY; GCranford, ALevin, JVoegelwede, EYeates, RPowell, JSouder, IRM, GP Bollwerk (ASLBP)
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DATE	02/13/97		02/13/97	02/14/97	02/18/97	02/18/97

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