



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 9, 1997

Mr. William J. Sinclair, Director
Division of Radiation Control
Department of Environmental Quality
State of Utah
168 North 1950 West
P.O. Box 144850
Salt Lake City, Utah 84114-4850

SUBJECT: UTAH REQUEST FOR ADDITIONAL STUDIES OF AMMONIA AT THE
ATLAS URANIUM TAILINGS SITE NEAR MOAB, UTAH

Dear Mr. Sinclair:

This is in response to your letter to me of December 11, 1996. Unfortunately, I did not formally receive your letter and just recently obtained a copy. In your letter, you provide additional data on the amount of ammonia in the Colorado River adjacent to the Atlas Minerals Corporation tailings impoundment, and suggest that additional studies of the environmental impact from ammonia may be warranted. The U.S. Nuclear Regulatory Commission has found that ammonia is one of a few groundwater contaminants entering the Colorado River that have an environmental impact.

As you know ammonia is not a constituent listed in Criterion 13 of Appendix A to 10 CFR Part 40, nor is it included as a constituent with applicable standards in the Atlas license. Therefore, the NRC does not currently regulate ammonia at Atlas. The NRC does plan, however, on revisiting the groundwater Corrective Action Plan (CAP) at the conclusion of our review of the proposed reclamation plan. At that time we could consider adding ammonia to the list of constituents included in Atlas license that need to be addressed under the CAP.

Notwithstanding the NRC review of any revised CAP, in your letter to Atlas dated September 12, 1996, the State of Utah acknowledged its regulatory authority, independent of NRC, over ammonia in ground and surface water. Even if the NRC were to include ammonia in any NRC review of future CAP submittals, the State of Utah would still maintain this regulatory authority over ammonia. Therefore, to promote cooperation between our agencies, the NRC will recognize ammonia standards set by the State of Utah at the Atlas site as meeting the NRC requirement of being protective of public health, safety, and the environment. That is, NRC would rely upon reviews performed by the State of Utah to show compliance with the State ammonia standard.

This approach of NRC relying on reviews performed by the State of Utah is being successfully implemented in the evaluation of groundwater protection at the U.S. Energy Shooting Canyon site. The cooperative effort between the NRC and the

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Addressees for Letter Dated: May 9, 1997

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State of Utah Division of Water Quality (DWQ) has helped the DWQ ensure that the actions it believes are necessary to protect groundwater are being implemented by U.S. Energy, while still allowing the NRC a mechanism for determining that applicable Federal regulations will be met. Use of this approach for ammonia contamination in the groundwater at the Atlas site would achieve a number of the same objectives. These include: 1) eliminating dual regulation of Atlas; 2) ensuring that those actions the State of Utah believes are appropriate for the regulation of ammonia in ground and surface water are achieved; and 3) helping NRC ensure that contaminants which environmentally impact the Colorado River are acceptability addressed.

To this end, the NRC is highly interested in the actions the State of Utah plans to take to address the ammonia contamination at the Atlas site. The staff plans to closely follow the State of Utah actions as a mechanism of helping the NRC determine the acceptability of any revision of the groundwater CAP for the Atlas site. The NRC would look to Atlas and the State of Utah to determine an acceptable standard and approach for cleaning up the ammonia contamination in the groundwater. In order for the NRC to maintain the necessary level of cognizance on the State of Utah actions with respect to ammonia, I request that you provide us with copies of all correspondence between the State of Utah and Atlas on this subject. If you would like, the NRC staff is available to provide predecisional reviews and consultations of any State of Utah actions.

I believe the approach for addressing ammonia outlined above is the most efficient way to address the contamination, avoid dual regulation, and ensure that the State of Utah has a prominent voice in any final actions. Because the NRC has not found that any other constituents regulated by the State of Utah have an environmental impact on the Colorado River, application of this approach should be limited to ammonia. If you have any questions, please feel free to contact the Atlas Project Manager, Dr. Myron Fliegel. Dr. Fliegel can be reached at (301) 415-6629.

Sincerely,

(Original signed by)
Joseph J. Holonich, Chief
Uranium Recovery Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-3453

Source Material License No. SUA-917

cc: See attached list

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