



### RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

99-377,00-219,00-257

13

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Ms. Kimberly Boggiatto

DATE

AUG 01 2000

#### PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES **U** Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES **V** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES **V** Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

#### PART I.A -- FEES

- AMOUNT \*  You will be billed by NRC for the amount listed.  None. Minimum fee threshold not met.
- \$  You will receive a refund for the amount listed.  Fees waived.
- \* See comments for details

#### PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

#### PART I.C COMMENTS (Use attached Comments continuation page if required)

Copies of the records identified on Appendix U without an ML accession number may be obtained by contacting NRC's Public Document Room, (PDR). The records identified on Appendix U with an ML accession number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. If you need assistance in obtaining these records, please contact the PDR at (202)634-3273, or 1-800-397-4209, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

*Carol Ann Reed*  
Carol Ann Reed

**RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

99-377,00-219,00-257

AUG 0 1 2000

**PART II.A -- APPLICABLE EXEMPTIONS**

APPENDICES  
**W**

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
  - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
  - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
  - 41 U.S.C., Section 253(b), subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
  - The information is considered to be confidential business (proprietary) information.
  - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.790(d)(1).
  - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
  - Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
  - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
  - Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
  - (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
  - (C) Disclosure would constitute an unwarranted invasion of personal privacy.
  - (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
  - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
  - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- OTHER (Specify)

**PART II.B -- DENYING OFFICIALS**

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Lawrence J. Chandler	Associate General Counsel for Hearings, Enforcement and Administration	App. W		✓	

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

**APPENDIX U  
RECORDS ALREADY AVAILABLE IN THE PDR/ADAMS**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
Item No. 7 - Proposed license amendments since the issuance of the May 28, 1999 license amendment			
Amendment No. 31			
1.	04/20/99	9904300035	Ltr. from R. Blubaugh to K. Stablein (2 pages)
2.	05/14/99	9905240117	Ltr. from R. Blubaugh to K. Stablein (7 pages)
3.	06/24/99	9907010013	Ltr. from J. Surmeier to R. Blubaugh (8 pages)
4.	06/24/99	9907010026	Amendment No. 31 from J. Surmeier (12 pages)
Amendment No. 32			
5.	01/06/00	ML003672534	Memo to T. Moore/F. Shon frm L. Clark (42 pages)
Amendment No. 33			
6.	03/31/00	ML003699773	Ltr. to T. Essig from W. B. Abington (6 pages)
7.	04/10/00	ML003700007	Memo to D. Meyer from T. Essig (6 pages)
8.	05/28/00	9906040072	E-Mail from S. Martz to J. Gray, J. Holonich, L. Clark, re: Atlas Amendment, (1 page)

APPENDIX V

RECORDS BEING RELEASED IN THEIR ENTIRETY  
(If copyrighted identify with\*)

NUMBER	DATE	DESCRIPTION/PAGES
1.	6/22/90	Letter to Atlas Corp. from R. Hall, Subject: SUA-917, Amendment No. 11, (3 pgs.).
2.	8/17/93	Letter to R. Paul, from M. Dmitrich, subject: Atlas Mineral Tailings Pile near Moab, Utah, with attachment, (11 pgs.).
3.	9/23/98	Letter to E. Merschhoff and J. Holonich, subject: Atlas Corp. - Source Material License SUA-917, (1 pg.).
4.	9/25/98	Note to E. Merschhoff, J. Dyer, R. Scaranno, from L. Howell, subject: Atlas Corp., Notification of Bankruptcy Filing, with attachments, (5 pgs.).
5.	12/11/98	E-mail to D. Gillen, E. Hayden, L. Howell, from B. Henderson, subject: Atlas R&Q&A with attachment, (1 pg.).
6.	3/27/00	Fax cover sheet to R. Evans from D. Edwards with handwritten notations and attachment, subject: Atlas Moab Reclamation Trust, (6 pgs.).
7.	3/37/00	Fax cover sheet to R. Evans from D. Edwards with handwritten notations and attachment, subject: Atlas Moab Reclamation Trust, (1 pg.).
8.	4/11/00	E-mail to M. Schwartz, M. Nordlinger from M. Fliegel, subject: Telecon with Trustee on USGS draft report, (1 pg.).

**APPENDIX W**

**DOCUMENTS BEING WITHHELD IN THEIR ENTIRETY**

<b>NUMBER</b>	<b>DATE</b>	<b>DESCRIPTION/EXEMPTION/PAGES</b>
1.	4/27/99	E-Mail from D. Weiss to M. Fliegel, K. Stablein, re: Atlas License Amendment Request, (1 pg.) - <b><u>WITHHOLD IN ENTIRETY - EX. 5</u></b>
2.	12/14/99	E-mail from J. Holonich to C. Paperiello, M. Virgilio, N. Mamish, subject: Atlas, (1 pg.) - <b><u>WITHHOLD IN ENTIRETY - EX. 5</u></b>
3.	4/3/00	E-mail from M. Fliegel to N. Mamish, subject: Letter to FWS on Atlas Reconsultation, (1 pg.) attaching DRAFT letter from the Chairman to Administrator of FWS, (3 pgs.) - <b><u>WITHHOLD IN ENTIRETY - EX. 5</u></b>
4.	4/11/00	E-mail from M. Fliegel to J. Holonich, T. Essig, subject: Telcon with Trustee on USGS Draft Report, (1 pg.) - <b><u>WITHHOLD IN ENTIRETY - EX. 5</u></b>



UNITED STATES  
 NUCLEAR REGULATORY COMMISSION  
 REGION IV  
 URANIUM RECOVERY FIELD OFFICE  
 BOX 25325  
 DENVER, COLORADO 80225

40-3453  
 RECEIVED  
 JUN 26 1990  
 Regulatory Affairs

REC'D JUL 0 2

JUN 22 1990

M-6  
 JUN 25 1990  
 RECEIVED

URFO:GRK  
 Docket No. 40-3453  
 SUA-917, Amendment No. 11  
 04003453100R

Atlas Corporation  
 370 Seventeenth Street, Suite B150  
 Denver, Colorado 80202

Gentlemen:

Our office is in receipt of your June 14, 1990, amendment request. As we discussed in our June 7, 1990, meeting, two areas of your license are in need of modification. Both the modification to your ground-water corrective action program and the alternate radon limit are necessary to assure compliance with the regulations.

I have had my staff review your proposed corrective action program. They have concluded that your recommendation to collect tailings liquor from the toe drains and dewatering wells is compatible with previous commitments. The 10 gpm yield from the dewatering wells is also as discussed. It is our understanding that if the pH of the recovered solution falls below 6.0 standard units, it will be neutralized prior to discharge to the enhanced evaporation system. As currently required in your license, the corrective action program must be fully operational on or before July 1, 1990. Failure to do so may be viewed as noncompliance with your license.

Your request for a variance pursuant to 10 CFR 20.106(b) to raise radon-222 concentration limit at monitoring station S2 from 3.0 pCi/l to 6.0 pCi/l has also been reviewed by the staff. The review has concluded that Atlas has demonstrated that a reasonable effort is being made to decrease radon emissions from the tailings impoundment and that you have demonstrated compliance with all pertinent requirements contained in paragraph b of 10 CFR 20.106.

Atlas will be required to submit to this office in writing on a biannual basis (once every two years) justification for maintaining the 6 pCi/l radon variance for monitoring station S2. Atlas may dispense with the current reporting requirement specified in our June 8, 1989 Confirmation of Action letter and resume submitting radon data on a semiannual basis as specified in 10 CFR 40.65 and License Condition No. 48. \*

In consideration of the above issues, your amendment request submitted by letter dated June 14, 1990, and pursuant to Title 10, Code of Federal Regulations, Part 40, Source Material License SUA-917 is hereby amended by

M.S. Davis w/o  
 D.L. Edwards w/enc. NR License  
 O. Schneider, WTI, w/o  
 C. Sundblad w/o  
 Please review and add required reporting requirements to your tickler files.  
 Dale - Please note change in Radon-222 monitoring requirement  
 KSS

V/11

revising License Condition No. 17 and adding License Condition No. 49(B) to read as follows:

17. The licensee shall implement a compliance monitoring program containing the following:

- A. Sample wells AMM-1, AMM-2 and AMM-3 on a quarterly frequency for chloride, nitrate, sodium, sulfate, pH, TDS and water level, and on a semiannual frequency for chromium, gross alpha, lead, molybdenum, nickel, radium-226 and 228, selenium, silver, uranium and vanadium. Additionally, the upper completion of well ATP-2 shall be sampled on a quarterly frequency for chloride, nitrate, sodium, sulfate, pH, TDS and water level.
- B. Comply with the following ground-water protection standards at point of compliance wells AMM-2 and AMM-3, with background being recognized as well AMM-1.

chromium = 0.08 mg/l, gross alpha = 33 pCi/l, molybdenum = 0.05 mg/l, nickel = 0.06 mg/l, radium-226 and 228 = 5 pCi/l, selenium = 0.01 mg/l, vanadium = 0.04 mg/l and uranium = 4.0 pCi/l.

- C. Implement a corrective action program with the following minimal components:
- construct and operate the enhanced evaporation system as described in Section 3.0 of the June 14, 1989, submittal.
  - collect seepage from the existing toe drains.
  - pump pilot dewatering wells PW1 and PW2.
  - install at least eight (8) additional dewatering wells.

The combined yield from the dewatering wells shall be at least 10 gpm. If the pH of the removed solution falls below 6.0 standard units, it shall be neutralized prior to discharge to the enhanced evaporation system. Sufficient data shall be collected, for the constituents listed in Subsection A, to determine the mass of constituents that have been recovered by the corrective action program.

The corrective action program shall be fully operational as soon as practicable, but in no event later than July 1, 1990. Additionally, the licensee shall on a semiannual frequency, submit a ground-water monitoring report as well as submit a corrective action program review by December 31, of each year, that describes the progress towards attaining ground-water protection standards.

49. F. In accordance with 10 CFR 20.106(b) the radon-222 concentration, limit for monitoring station S2 shall be increased to 6.0 pCi/l. The licensee shall submit, in writing, biannual justification for maintaining the 6.0 pCi/l variance.

All other conditions of this license shall remain the same. The effect of this licensing action is to incorporate a corrective action program into your license as well as modify the unrestricted radon maximum permissible concentration limit at station S2.

The issuance of this amendment was discussed via telephone conversation between your Ms. Cindy Sundblad and Mr. Edward Hawkins of my staff on June 22, 1990.

Sincerely,

  
for Ramon E. Hall  
Director

Enclosure:  
Source Material License SUA-917

Case Closed: 04003453100R

UTAH STATE SENATE

URFO

40-3453

SENATOR  
 MIKE DIMITRICH  
 MINORITY WHIP  
 TWENTY-SEVENTH DISTRICT  
 CARRON, SAN JUAN, GRAND, EMERY  
 KANE AND WASHINGTON COUNTIES  
 566 NORTH DOVER CIRCLE  
 PRICHL, UTAH 84501  
 O-(801) 637-2875  
 H-(801) 637-0426



APPROPRIATIONS  
 Executive Appropriations  
 Higher Education  
 STANDING COMMITTEES  
 Judiciary  
 Revenue and Taxation

Tuesday 17 August 1983

Raymond E. Paul, Director,  
 U.S. Nuclear Regulatory Commission—Region IV  
 Uranium Field Recover Office  
 P.O. Box 28236  
 Denver, Colorado 80268

Dear Director Paul:

I am writing you officially to comment on the issue of the Atlas Mineral Tailings Pile near Moab, Utah (URFO-DW Docket No. 40-3453). The County of Grand and Moab City are in my State Senatorial District (No. 27). In essence, I am in strong opposition to capping the tailings in place.

I do not feel that this plan is consistent with prior NRC actions in this field of regulation and remediation. Other piles have been moved and I see no reason this one should not also be moved to a more stable site. It is unconscionable to leave these tailings in the flood plain of the Colorado river. I strongly favor the Proposed Alternative No. 2. This is a more stable site and will not hinder development of the communities involved.

I have, you should know, spent my entire life in the mining industry. I feel very strongly that that the industry as a whole must be a responsible citizen and that Government must do everything in its power to aid the industry in preserving the communities that are attached to that industry.

The Citizens of Grand County—indeed all of Southern Utah—helped our nation during the dark days of the cold war in providing the raw materials that made possible the balance of power that ultimately let Democracy prevail. Now, the mining is gone and people in this part of remote Utah are struggling to restructure their economy. Economic development is not a luxury in this part of America, it is sheer survival. Moab is one of the greatest treasures of Utah. Your proposed capping will leave an ugly scar on the entrances of that beautiful town and of one of our National Parks. Furthermore, it will rob Moab of desperately needed commercial / industrial land. I will do all in my power to support the citizens of Moab in their fight to move these tailings and to reclaim this land.

Sincerely,

Mike Dimitrich (D-27),  
 Utah Senate Minority Whip

cc: David L. Meyer, Chf. Rules Review, Off of Admin, USNRC, Wash, DC 20555

UTAH STATE SENATE • 319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114  
 (801) 538-3035 • FAX (801) 538-1414

*Inspector's file*

OFFICIAL DOCKET COPY

TOTAL P.02

1/2

URFO  
 RECEIVED

'93 AUG 24 A9:42



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

SEP 28 1993

LETTER FOR: State Officials and Uranium Recovery  
Field Office Licensees on Attached List

Dear Ladies and Gentlemen:

Attached is a summary of the meeting held in the Uranium Recovery Field Office (URFO) on September 9, 1993, in which many of you participated. This summary reflects our understanding of the concerns and issues you presented to the NRC Transition Oversight Team (TOT), and responses we may have made to your points. We have attempted to capture the future actions to which we committed, and have established milestones for resolution of those items suitable for specific actions. Please advise me if any of the concerns or issues are inaccurately presented, or if your understanding differed from ours.

We have scheduled another similar meeting for 10:00 am, November 18, 1993, in the URFO office, to continue our interactions on the issues related to closure of URFO, and to continue to explore means to reduce regulatory impact during and following the transition. Please advise URFO, (303) 231-5800, of your intent to participate in this meeting prior to November 15, 1993, such that adequate conference space may be scheduled.

Should you wish to suggest agenda topics, please address your suggestions to Ramon E. Hall, Director, URFO, at the above telephone number.

A handwritten signature in cursive script, appearing to read "MR Knapp".

Malcolm R. Knapp, Chairman  
Transition Oversight Team

Attachment: As stated

CC:  
Affected States (Attached Distribution List)  
Uranium Recovery Licensees (Attached Distribution List)

NUCLEAR REGULATORY COMMISSION MEETING SUMMARY

September 9, 1993

Golden, Colorado

**PARTICIPANTS:** NRC TRANSITION OVERSIGHT TEAM  
URANIUM RECOVERY INDUSTRY REPRESENTATIVES  
STATE REPRESENTATIVES

**PURPOSE:** 1) REPORT ON STATUS AND PROGRESS OF NRC'S CLOSURE OF THE  
URANIUM RECOVERY FIELD OFFICE (URFO)  
2) OBTAIN INDUSTRY AND STATE VIEWS ON HOW TO BEST IMPLEMENT THE  
CLOSURE AND MINIMIZE ANY ADVERSE IMPACTS

**ATTENDANCE:** See Enclosure 1

**SUMMARY:**

On September 9, 1993, the NRC Transition Oversight Team (TOT) met with representatives of states affected by the closure of the URFO, and with uranium recovery program licensees. The meeting followed the Agenda which constitutes Enclosure 2. The NRC discussed transition planning and expressed the intent to work interactively with the states and licensees affected by the closure of the URFO. State and licensee representatives expressed their concerns over effects of the closure and agreed to work with the TOT to minimize the impacts.

**NRC PRESENTATIONS:**

The Chairman of the TOT reviewed the changes in the team which had been necessitated by recent NRC management changes. He emphasized that this meeting should concentrate on transition issues, and policy issues would be considered at a later time. He and other TOT members briefly summarized the transition plan.

The NRC reported on its consideration of the proposal to consolidate URFO in NRC's Region IV in Arlington, Texas. After considering the advantages and disadvantages, NRC has decided to retain its original plan to relocate licensing activities to NRC headquarters in Washington DC and inspection to Region IV. The Commission Paper documenting the decision (SECY-93-207) was distributed.

NRC said that it has strongly encouraged the URFO staff to remain with the agency, and discussed its efforts to retain and relocate them. NRC also described its contingency planning to continue its regulatory program in the event URFO staff does not accept transfer offers. Contingency planning includes the possibility of reassigning other staff who have previous uranium recovery experience, recruiting new staff and obtaining technical support from outside the NRC.

NRC said that a principal goal of the TOT is to ensure that licensing and inspection efforts do not suffer during the transition. Licensees were asked

to be sensitive to any perception of delay or inattention and to bring concerns to the Director, URFO, as early as possible.

NRC described its efforts at regulatory impact reduction or streamlining of the regulatory process. The NRC's goal is to implement changes by midsummer of 1994 so that regulatory impacts will be reduced by the time URFO is closed. To meet that timetable, NRC will focus on changes that can be made through license conditions, and perhaps modified regulatory guidance, rather than changes that would require revised regulations or changes in agreements with States. Using this perspective, NRC is summarizing the suggestions it has received (Enclosure 3) and will decide which are most likely to be achieved in the near term. As a part of this process, NRC will compare recent license amendments to the summary of suggestions and seek criteria-based (also called performance-based) license conditions that respond to the suggestions and would have eliminated the need for the license amendments. NRC will report its progress to those attending this meeting in mid to late October, with the request that the attendees review it and be prepared to comment at the next meeting.

#### ATTENDEE COMMENTS:

Several attendees expressed disappointment that NRC finalized its decision to relocate URFO and to separate licensing and inspection locations without providing them more of an opportunity to be involved. They expressed concern over accessibility to NRC staff involved in their projects for meetings, etc. They asked for backup information on economics and other issues that the NRC had considered in making its decision. NRC agreed to provide any additional available information.

Attendees are concerned about the number of NRC staff budgeted for Title II licensing and inspection in fiscal years 1994 and 1995. They expressed concern that inadequate staff would create a regulatory "bottleneck." They also asked for the basis for NRC license fees under 10 CFR parts 170 and 171. NRC committed to present the basis for its budget and for its fees at the next meeting. They also voiced concern over the use of outside consultants who would not be cognizant of their needs, and were concerned that differences between regulatory interpretations by the license reviewers and inspectors would "whipsaw" the licensees. They voiced strong support for a single Project Manager concept for each site.

State representatives expressed their concern in maintaining state/NRC interactions on ongoing license issues. The NRC committed to maintaining direct contact through scheduling of meetings in states, or perhaps funding state travel to NRC headquarters. They also expressed concern that NRC headquarters staff would not possess "field experience." NRC indicated that cross-training was already being initiated. One state representative questioned the efforts for streamlining regulatory actions in the context of recent hearings before Congressman Synar's Committee. Another state representative questioned if the efforts to streamline, and the elimination of URFO would lead to pressure to encourage non-agreement states to request agreement state status. The NRC indicated that neither of these two questions would be involved in the TOT action plan at this time; however streamlining efforts might affect the interface between the NRC and the states in the future.

Several licensees consider that the DOE remediation of Title I sites goes beyond what is needed and is very expensive. They were therefore concerned that having the same staff or consultants review both Title I and Title II sites would lead to over-regulation of Title II sites. NRC agreed to be sensitive to this concern.

Licensees are concerned that URFO staff may not accept their offers, and that replacement staff will not have their corporate knowledge. They fear that new staff will not understand individual licensee issues, that they may revise agreements now in place, and, particularly, that they will cause unacceptable delays in NRC's license reviews. NRC discussed its contingency planning, and noted that several staff members in headquarters and in Region IV have previous uranium recovery experience. NRC committed to be particularly sensitive to these concerns and asked the licensees to be equally sensitive and to give NRC management early warning of any perception of negative impacts during the transition period.

Licensees representing the in situ mining industry questioned why their licenses required so many amendments. The NRC indicated that this would be one focus of the regulatory impact review.

One licensee questioned how the special interface at his superfund site between the EPA, the State, and the NRC would be coordinated following loss of the URFO staff member currently coordinating this effort. The NRC indicated that this would be addressed during the cross-training of staff, and that NRC headquarters would assure that the coordinating function would continue.

- Several licensees requested that they be kept aware of impending loss of URFO staff and transfer of work activities to NRC headquarters. The NRC committed to keeping the involved licensees and affected states aware of plans for transfer of work activities, and would explore the legal aspects of informing them of staff plans.

Licensees involved in site reclamation reminded the NRC that they have license conditions controlling the schedule for their site reclamation. They will need responsive license reviews to assure that delays in regulatory review do not impact their schedules. The NRC indicated that the licensees should provide information to assure that proper priorities are established for these reviews.

Licensees involved in programs which could result in federal reimbursement for reclamation activities under Title X of the 1992 Energy Act expressed concern that inadequate inspection resources would be available to certify their work completion claims. The NRC expressed the opinion that the DOE implementing regulations would not require physical inspection to approve payment. The NRC agreed to respond directly to the AMC representative on the NRC's understanding of the proposed regulations before the September 14 public meeting on the DOE implementing regulations so they could reflect this understanding in their comments to DOE.

The representative from the Wyoming Mining Association expressed concern that the NRC budget projections for uranium program licensing do not reflect the industry projections for industry recovery. He indicated that the impact of

regulatory delays could have significant impacts on the competitive position of the licensees in the world market.

COMMITMENTS:

- 1 NRC will report on its review of recent license amendments and how they might have been eliminated by using performance-based license conditions.

DUE: Mid to late October

- 2 NRC will present the bases for its budgeted staff and for its license fees for uranium recovery. It will also discuss to the extent practical the economic savings resulting from closure of the URFO.

DUE: Next TOT-public meeting

3. NRC will respond to the American Mining Congress representative on the NRC interpretation of the DOE regulations for implementing Title X.

DUE: September 13, 1993.

COMMENT: Completed on September 14, 1993. After discussions with the program office, Bill Ferdinand of the AMC was advised by phone of the NRC interpretation of the Title X implementing regulations, and the NRC involvement in approving payment for completed work.

SCHEDULE FOR NEXT MEETING:

It was agreed that the next meeting between the TOT and the state and licensee representatives would be in mid-November, 1993. The date of November 18, 1993 was suggested as a planning date.



Dr. Malcolm R. Knapp, Chairman  
NRC Transition Oversight Team

MEETING ATTENDANCE  
TOT MEETING WITH LICENSEES/STATES  
September 9, 1993  
Uranium Recovery Field Office

TOTAL ATTENDANCE: 35

REPRESENTATIVE ORGANIZATIONS

American Mining Congress	Jim Gilchrist Tony Thompson Bill Ferdinand* <sup>1</sup>
Wyoming Mining Association	Dale Alberts*

STATES

Colorado	Don Simpson Tom Pentecost
Utah	Bill Sinclair
Wyoming	Roger Shaffer Mark Moxley

LICENSEES

American Nuclear	Bill Salisbury
ARCO	Nat Patel
Atlas Corp.	Richard Blubaugh
COGEMA	Robert Poyser
Ferrett	Steve Collings
Homestake	Fred Craft
Kennecott	Oscar Paulson C. D. Schurtz Thomas Osborn (Intera)
Pathfinder	Lee Nugent

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<sup>1</sup>Individuals indicated by an asterisk (\*) are indicated in two or more locations.

Attendance List (Continued)

Petrotomics (Texaco)

Ron Juday  
Steve Pfaff  
Frank Charron

Power Resources

Steve Morzenti  
Paul Hildebrand

Rio Algom

Bill Ferdinand\*  
Dale Alberts\*

United Nuclear

Juan R. Velasquez

Umetco

John Hamrick  
Pat Lyons

Union Pacific

Ernie Scott

URI/HRI

Mark S. Polizza

Western Nuclear

Mike Schern

OTHERS

Morrison-Knudson

John Bors  
Don Sanders  
Ted Seep

Shepherd, Miller, Inc.

Ken Bruxvoort  
Bob Medlock

## AGENDA

NUCLEAR REGULATORY COMMISSION MEETING  
TRANSITION OVERSIGHT TEAM  
MEETING WITH  
INDUSTRY, STATES, AND THE PUBLIC

September 9, 1993

1:30 pm

Denver, Colorado

### 1:30 - NRC PRESENTATIONS

PURPOSE OF MEETING

M. R. Knapp

AGENCY POSITION ON CLOSURE AND  
TRANSFER OF FUNCTIONS

M. R. Knapp

PERSONNEL ISSUES

M. J. Fox

HEADQUARTERS CONTINUITY PLANNING

J. J. Surmeier

REGION IV CONTINUITY PLANNING

L. J. Callan

LICENSING/INSPECTION DURING TRANSITION

R. E. Hall

REGULATORY IMPACT REDUCTION EFFORTS

M. R. Knapp

### 2:30 - STATE, INDUSTRY AND PUBLIC COMMENTS

### 5:00 - AGREEMENT ON NEXT MEETING

All

## Enclosure 3

### REGULATORY IMPACT REDUCTION ISSUES

- SURETY AND BONDING
- ISL WELLFIELD REGULATION
- CORRECTIVE ACTION PROGRAMS
- PROCESS AND PLANT DESIGN CHANGES
- ORGANIZATIONAL CHANGES
- RESTRICTED AREA BOUNDARY CHANGES
- TAILINGS DISPOSAL
- WATER DISPOSAL FACILITIES
- RECLAMATION PLANS
- ARCHEOLOGICAL AND OTHER SURVEYS
- MINOR MODIFICATIONS TO MONITORING AND SAMPLING PROCEDURES
- SILENT APPROVAL
- DOGMATIC APPROACH
- OTHERS



TR → FILE

# ATLAS CORPORATION |

Republic Plaza, 370 Seventeenth Street, Suite 3050  
Denver, CO 80202 3140  
Telephone: (303) 629-2440 Fax: (303) 629-2445

RICHARD E. BLUBAUGH  
Executive Vice President

September 23, 1998

SEP 28 1998

**VIA FACSIMILE: (817) 860-8122 and**  
**VIA UNITED STATES POSTAL SERVICE**  
Mr. Ellis W. Merschoff, Regional Administrator  
U.S. NUCLEAR REGULATORY COMMISSION  
611 Ryan Plaza Drive, Ste. # 400  
Arlington, TX 76011-4351

and  
**VIA FACSIMILE: (301) 415-5397 and**  
**VIA UNITED STATES POSTAL SERVICE**  
Mr. Joseph J. Holonich, Chief  
U.S. NUCLEAR REGULATORY COMMISSION  
High-Level Waste and Uranium Projects Branch  
Division of Waste Management (MS: T7-J9)  
Office of Nuclear Material Safety and Safeguards  
Washington, D.C. 20555-0001

**Re: Atlas Corporation -- Source Material License SUA-917 / Docket No. 40-3453  
Notification re Bankruptcy Filing**

Dear Messrs. Merschoff and Holonich:

In accordance with 10 CFR § 40.41(f)(1), Atlas Corporation is hereby notifying the United States Nuclear Regulatory Commission that Atlas Corporation has filed with the United States Bankruptcy Court for the District of Colorado a petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. Sections 101 et seq. (the Bankruptcy "Code"). The bankruptcy petition was filed on September 22, 1998.

The company intends to continue to operate its business as a debtor-in-possession pursuant to the Code.

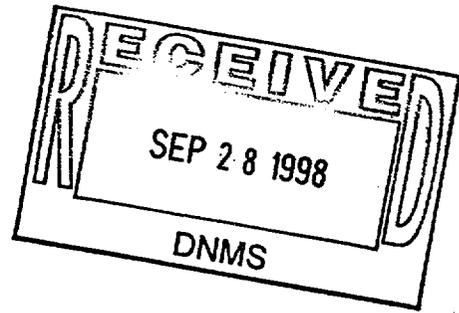
Please contact me should you have any questions regarding this matter.

Sincerely,  
  
Richard E. Blubaugh

cc: R. Scarano, A. Thompson, H. Sender

1/3

*Spitzberg*



September 25, 1998

Note To: Ellis W. Merschhoff, Regional Administrator  
James E. Dyer, Deputy Regional Administrator  
Ross A. Scarano, Director, DNMS

From: Linda L. Howell, Deputy Director, DNMS *Howell*

SUBJECT: ATLAS CORPORATION, NOTIFICATION OF BANKRUPTCY FILING

On September 23, 1998, Atlas Corporation (Atlas) provided public notification that it had filed with the United States Bankruptcy Court for the District of Colorado a petition for relief under Chapter 11 of Title 11 of the US Code, 11 U.S.C. Section 101 (bankruptcy). Atlas subsequently submitted the notification required pursuant to 10 CFR 40.41(f)(1) by letter dated September 23, 1998.

Based on discussions relating to financial assurance for decommissioning, NMSS was not surprised at the announcement and a document identifying responses to potential questions from the media was quickly prepared. (This was distributed earlier, but a copy is attached.) In accordance with NMSS policies and procedures, a Bankruptcy Review Team was convened on September 24, 1998. OGC, NMSS, OE and RIV were represented during the meeting. The following issues were discussed:

- 1) Atlas is continuing to control the site as it has in the past; the site is secured, the RSO is still reporting for work daily and other provisions of the license are being met. This was confirmed by NMSS which had representatives at the site late last week. Although last week's visit was not an inspection, NMSS plans to write a trip report and docket it, so that the site status is in the public domain. Based on our recent contact with the site and direct observations, the review team determined that an inspection was not needed at this time. However, the team concluded that NMSS should draft a letter reminding Atlas of its obligations in maintaining health & safety requirements of the license, despite the bankruptcy filing. (This is a common practice, including requesting confirmation of such in some cases.)
- 2) A letter was received from the Department of Justice, Office of U.S. Trust and Fees, asking NRC to be a member of an unsecured creditors committee; it appears that NRC is one of the largest unsecured creditors for Atlas. Atlas owes the NRC  $\geq$ \$124,000 in fees. The surety instrument will have to be discussed with another department of DOJ; currently NRC holds a \$6.5 million surety instrument for financial assurance. The committee referenced above is scheduled to meet on October 2, and OGC will represent NRC.
- 3) Atlas has requested a meeting with NRC on October 1. The purpose of the meeting is to discuss Atlas' financial situation and will take place in HQ. The meeting will be noticed as a closed meeting.

*V/H*

- 4) Atlas apparently may recover some its costs in reclamation through Title 10 of the Energy Policy. This provision of the policy allows Congress, through the Department of Energy, to authorize reimbursement for reclamation costs attributable to uranium processing under old AEC contracts. Payments are calculated according to the percentage of tailings resulting from AEC-contracted work. For Atlas, this amounts to approximately 56% of the tailings pile.
- 5) NMSS plans to discuss the notification with Bill Sinclair of the Utah Radiation Control Program, and will attempt to confirm several outstanding questions about Atlas' plans during next week's meeting. The letter to the licensee referenced in item 1 will be drafted and mailed as soon as possible.

Attachments:

1. Letter from Atlas Corporation to Ellis W. Merschoff and Joseph J. Holonich
2. Copy of Atlas Corporation Press Release, dated September 23, 1998
3. Draft Question list for Atlas Uranium Mill, Moab, Utah, dated September 22, 1998
4. Copies of legal documents transmitted by Atlas Corporation dated September 22, 1998

cc w/Attachments:

CLCain  
DBSpitzberg  
WLBrown  
GMVasquez  
CAHackney  
MLMclean  
MRShaffer

# ATLAS CORPORATION

RICHARD E. BLUBAUGH  
Executive Vice President

Republic Plaza, 370 Seventeenth Street, Suite 2050  
Denver, CO 80202  
Telephone: (303) 629-2440 Fax: (303) 629-2445

September 23, 1998

VIA FACSIMILE: (317) 860-8122 and  
VIA UNITED STATES POSTAL SERVICE  
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U.S. NUCLEAR REGULATORY COMMISSION  
611 Ryan Plaza Drive, Ste. # 400  
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The company intends to continue to operate its business as a debtor-in-possession pursuant to the Code.

Please contact me should you have any questions regarding this matter.

Sincerely,

  
Richard E. Blubaugh

cc: R. Scarano, A. Thompson, H. Sender

TOTAL P. 01

TOTAL P. 01

*Copies  
to DBS  
- CMC-aa  
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Wednesday September 23, 9:08 am Eastern Time

## Company Press Release

*SOURCE: Atlas Corporation*

# Atlas Corporation Files Petition for Relief Under Chapter 11 of Title 11 of The United States Code

<b>ESTRAGE</b>
35.00
NEW as of 10/1/98
<b>Related</b>
<b>Quotes</b>
ATSP 0.00 +0.00
delayed 20 mins -
disclaimer

DENVER, Sept. 23 /PRNewswire/ – Atlas Corporation (ATSP) announced that it has filed with the United States Bankruptcy Court for the District of Colorado a petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. Sections 101 et seq. (the Bankruptcy "Code"). The Company intends to continue to operate its business as a debtor-in-possession pursuant to the Code. Sender & Wasserman, P.C. represents the Company in this proceeding. Subsidiaries of Atlas, Arisur Inc. and Cornerstone Industrial Minerals Corporation ("Cornerstone"), will continue to operate in the ordinary course of business.

A motion has been filed with the Court for approval of interim financing in the amount of \$750,000 secured by Atlas' 61% ownership of Cornerstone. Subject to Court approval, it is anticipated that a cash tender offer will be made for all of the shares of Cornerstone. Separately, the Company will file a motion seeking approval of its intended acceptance of the tender offer for its entire interest in Cornerstone, which is expected to yield (less the interim financing) approximately \$2.9 million to Atlas. It is anticipated that the financing will be approved by the first week of October 1998, and the sale of Cornerstone will be approved shortly thereafter.

Atlas intends to concentrate on its business plan as set forth in its 1997 Report to Shareholders. The key components of the plan include (1) additional development of the Andacaba Mine operated by Arisur Inc., a wholly owned subsidiary of Atlas which is producing lead, zinc, and silver in Bolivia, (2) divestiture of Cornerstone, (3) completion of a third party remediation agreement for the closure and final reclamation of the Moab Utah uranium millsite (4) divestiture of non-core assets, and (5) continued reduction of administrative costs. Approval of Atlas' reorganization is expected to result from the increased profitability of Arisur Inc. which would be achieved through the planned additional development and reduced general and administrative costs.

**SOURCE: Atlas Corporation**

**More Quotes and News: Atlas Corp (OTC BB:ATSP - news)**  
**Related News Categories: mining/metals**

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[Questions or Comments?](#)

**From:** Breck Henderson  
**To:** Daniel Gillen, Elizabeth Hayden, Linda Howell, ...  
**Date:** Fri, Dec 11, 1998 11:39 AM  
**Subject:** Atlas PR and Q&A

I've edited the press release with comments from Beth and Mike Fliegel. The final version is attached.

I've edited the Q&A with input from OGC on #10 and changes from Mike. The final version of that is attached also.

I plan to issue the press release on Monday morning.

I've also sent Mike press clippings from about a year back and a brief assessment of the local media to include in the briefing book.

I'm making travel arrangements to arrive in Moab at the end of the day on Wednesday. I'll be there Thursday morning to check on arrangements for the room for the press conference and meet with local media before the Chairman arrives.

If there is anything else I can do, please let me know.

Breck

V/S

Moab Reclamation Trust

FAX COVER SHEET

~~ATLAS MINERALS~~

North Hwy 191  
P.O. Box 1207  
Moab, UT 84532

Phone Number (801)259-5131  
Fax Number (801)259-5134

SEND TO <i>United States Nuclear Regulatory Commission Region IV</i>	From <i>[Redacted]</i>
Attention <i>Robert J. Evans</i>	Date <i>3-27-2000</i>
Location	Location <i>Moab Mill</i>
Fax number <i>(817) 860-8210</i>	Phone number <i>435-259-5131</i>

- Urgent
- Reply ASAP
- Please comment
- Please review
- For your information

Total pages, including cover: 10

COMMENTS

Bob,  
 Keith asked me to give you this information. The only thing I can tell you is SENE's Consultants Limited done the work on the desc conversion factor of .094. Rich Blubaugh attended a NRC workshop on this and with SENE's Consultants Limited they came up with this equilibrium factor. I am sending you copies of two letters with this information on it. (By the way, the NRC accepted these calculations then, and they still should be accepted).

V17

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Total pages, including cover: 25

COMMENTS

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**American Mining Congress**

**AND**

**U. S. Nuclear  
Regulatory Commission**

**URANIUM RECOVERY WORKSHOP**

**March 14-16, 1995**

**Denver, Colorado**

## **DEMONSTRATING COMPLIANCE WITH THE PUBLIC DOSE LIMIT FOR FACILITIES THAT EMIT RADON-222**

Stephen A. McGuire  
March 16, 1995

A question has arisen about how facilities that emit radon-222 and its associated short-lived daughters can demonstrate compliance with the public dose limit of 0.1 rem total effective dose equivalent in 10 CFR Part 20. The question arose because there are no entries in the table in Appendix B to Part 20 for the short-lived daughters, such as polonium-218.

Two methods to demonstrate compliance with the dose limit for individual members of the public are given in § 20.1302. The first method [§ 20.1302(b)(1)] is "demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual dose limit." The second method [§ 20.1302(b)(2)] is to assure that "the annual average concentrations of radioactive material in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in table 2 of appendix B..."

The first method should be more accurate for facilities emitting radon-222. The second method is calculationaly simpler, but will overestimate the dose from radon-222 and its daughters. Because the second method is simpler to explain, it is described first.

### **THE § 20.1302(b)(2) METHOD: COMPARISON WITH THE EFFLUENT CONCENTRATION VALUE IN APPENDIX B**

Appendix B lists two values for airborne effluent concentrations for radon-222. A value of  $1 \times 10^{-8}$  is given for radon-222 with daughters removed, and a value of  $1 \times 10^{-10}$  is given for radon-222 with daughters present. This latter value of  $1 \times 10^{-10}$  should be used because after the radon-222 is released, ingrowth of the daughters will begin. The value of  $1 \times 10^{-10}$  is based on equilibrium between the radon-222 and its short-lived daughters, polonium-218, lead-214, bismuth-214, and polonium-214. Therefore, if this method is used, the concentrations of the short-lived daughters should not be separately considered because they were already considered in calculating the value of  $1 \times 10^{-10}$ .

At distances less than several miles from the source, the short-lived daughters of radon-222 will not be near equilibrium with the radon-222 and will have activities below that of radon-222. Since the radon-222 daughters contribute most of the dose, this method is conservative.

If radionuclides other than radon-222 and its short-lived daughters are emitted, compliance is demonstrated by use of the following equation from footnote 4 to Appendix B, where radionuclides A, B, and C are present in concentrations  $C_A$ ,  $C_B$ ,  $C_C$

$$\frac{C_A}{DAC_A} + \frac{C_B}{DAC_B} + \frac{C_C}{DAC_C} < 1 \quad (1)$$

It will also be necessary to demonstrate that the external dose equivalent is less than 50 millirems/year.

#### THE § 20.1302(b)(1) METHOD: DETERMINATION OF TOTAL EFFECTIVE DOSE EQUIVALENT

In this method, it is necessary to calculate the concentrations of the short-lived radon-222 daughters due to ingrowth and estimate the committed dose equivalent from the daughters. The concentrations of the daughters due to ingrowth can be calculated from the radon-222 source term using a code to calculate radioactive decay such as MILDOS-AREA. Then, the daughter concentrations are used to calculate the average annual exposure to radon-222 daughters in units of working level months and a working level month to dose conversion factor is used to calculate effective dose equivalent from the radon-222 daughters.

The conversion factor used to calculate effective dose equivalent  $H_R$  from exposure to radon-222 daughters in working level months  $WLM$  can be determined from the occupational radon-222 entry in Appendix B of Part 20, in which the ALI is given as 4 working level months, which is the equivalent to 5000 millirems. The equation is:

$$H_R = 1250 \text{ mrem}/WLM \quad (2)$$

The exposure in units of working level months is calculated in the following manner. A working level month is defined in § 20.1003 as "an exposure to one working level for 170 hours." For radon-222, one working level is defined in § 20.1003 as "any combination of short-lived radon daughters ... in one liter of air that will result in the ultimate emission of  $1.3 \times 10^5$  MeV of potential alpha particle energy."

Therefore if the average annual concentration of radon-222 daughters  $WL_{Ave}$ , then the exposure in working level months  $WLM$  will be:

$$WLM/yr = \frac{WL_{Ave} \times 8760 \text{ hr/yr}}{170 \text{ hr/mo}} \quad (3)$$

The MILDOS-AREA code will calculate concentrations of radon-222 daughters in units of working levels. Those results can be used directly in Equation (3). If, however, the concentrations are calculated in terms of activity per unit volume,  $WL_{Ave}$  can be calculated as shown here:

$$WL_{Ave} = \frac{E_{total} \text{ MeV/ml}}{1.3 \times 10^5 \text{ MeV/l} \times 0.001 \text{ ml/l}} \quad (4)$$

where  $E_{total}$  = the total annual alpha particle energy ultimately deposited per milliliter.

The total energy is the sum from all the radon daughters. Therefore:

$$E_{total} = E_{Po-218} + E_{Pb-214} + E_{Bi-214} + E_{Po-214} \quad (5)$$

For each short-lived daughter:

$$E_i = N_i \times e_i \quad (6)$$

where  $N_i$  = the number of atoms of short-lived daughter  $i$  and  
 $e_i$  = the potential alpha particle energy of a single atom.

The potential alpha particle energy  $e_i$  of a single atom of the short-lived radon-222 daughters are given below.

<u>Radon-222 daughter</u>	<u>Potential alpha particle energy (MeV)</u>
polonium-218	13.69
lead-214	7.69
bismuth-214	7.69
polonium-214	7.69

The number of atoms of each short lived daughter in a milliliter of air can be calculated by:

$$N_i = \frac{\frac{dN_i}{dt}}{\lambda_i} \quad (7)$$

where:

$$\frac{dN_i}{dt} = 3.7 \times 10^4 \text{ d/s/}\mu\text{Ci} \times C_i \mu\text{Ci/ml} \quad (8)$$

where  $C_i$  = the average annual concentration of radon-222 daughter  $i$ .

The effective dose equivalent from radon-222 daughters must then be added to the effective dose equivalents from other airborne radionuclides and from external radiation to demonstrate that the total effective dose equivalent is less than 0.1 rem per year.

30

**From:** Myron Fliegel  
**To:** Maria Schwartz, Marjorie Nordlinger  
**Date:** Tue, Apr 11, 2000 11:44 AM  
**Subject:** Fwd: Telcon with trustee on USGS draft report

FYI

**CC:** Carl Paperiello, John Cordes, Joseph Gray, Thom...

V/8