



UNITED STATES

NUCLEAR REGULATORY COMMISSION

REGION IV

URANIUM RECOVERY FIELD OFFICE  
BOX 25325  
DENVER, COLORADO 80225

JUL 3 1989

URFO:GRK  
Docket No. 40-8102  
04008102790E

Exxon Coal and Minerals Company  
P.O. Box 1314  
Houston, Texas 77251-1314

Gentlemen:

Our office is in receipt of your license amendment response submitted by letter dated May 1, 1989. Our review of this document as well as discussions at our June 8, 1989 meeting have raised several issues.

Your proposal was in response to License Condition No. 33 which required the submittal of a corrective action program due to the exceedance of ground-water protection standards at the points of compliance. You will note that Criterion 5D of 10 CFR 40, Appendix A, states that the objective of a corrective action program "is to return hazardous constituent concentration levels ... to the concentration limits set as standards." Our office is well aware of the work that has been done at the site; however, little if any of this effort can be considered to be a corrective action program. The wick installation and other dewatering techniques that have taken place in the tailings basin will help to diminish the amount of contaminated water leaving the tailings basin, which will have a favorable impact on the Tailings Dam Sand Stone water quality. However, we feel that with a minimal amount of effort, significant quantities of hazardous constituents can be removed from the aquifer and immobilized in the tailings basin.

Due to the limited amount of effort required to improve water quality at the points of compliance, we are unable to exclude detected hazardous constituents as discussed in Criterion 5B(3). Although your discussion of the various corrective actions seems to indicate that they will be ineffective due to resaturation of the area as the Highland Lake fills, withdrawal of existing hazardous constituents will certainly have a positive impact on future water quality. Please note that a corrective action program must address removing the hazardous constituents that have entered the ground water at the point of compliance or treating them in place. An acceptable corrective action program must perform one or both of these tasks while reducing hazardous constituent concentrations to values as low as reasonably achievable. Allowing natural attenuation to immobilize the hazardous constituents is inconsistent with reducing the concentrations to as low as reasonably achievable levels.

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Our review of your proposal indicates that stabilizing the tailings and constructing the radon barrier does little if anything to reduce hazardous constituent concentrations at the points of compliance. We do however feel that a solution to this dilemma exists. Selective pumping of wells with elevated levels of hazardous constituents will reduce hazardous constituent concentrations in the aquifer.

As discussed in Criterion 5B(6) of 10 CFR 40, Appendix A, alternate concentration limits may only be established after consideration of practicable corrective actions. We feel that with reasonable efforts, considerable improvement in future ground-water quality can be accomplished at the site. Due to this, we are unable to approve your request for alternate concentration limits at this time.

As you are aware, License Condition No. 33 directs Exxon to submit a corrective action program. We would recommend that Exxon redirect your efforts towards a corrective action program that removes contaminated ground waters or treats them in place at the point of compliance. Following operation of your corrective action program and based upon the monitoring gained during its operation, an alternate concentration limit proposal would be appropriate.

Considering the above discussion, please submit a revised corrective action program. The program should contain specifics on corrective actions which meet the requirements of 10 CFR 40, Appendix A. Please submit your revised program on or before August 15, 1989. Upon receipt of an appropriate proposal, our office will amend your license to incorporate your corrective action program.

Sincerely,

  
Edward F. Hawkins, Branch Chief  
Uranium Recovery Field Office  
Region IV

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