



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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46-8905

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CERTIFIED MAIL RETURN RECEIPT REQUESTED P 106 973 141

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Mr. Bill Ferdinand, Manager  
Radiation Safety, Licensing  
and Regulatory Compliance  
Rio Algom Mining Corp.  
6305 Waterford Blvd.  
Suite 325  
Oklahoma City, OK 73118

DOCKETED  
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Re: National Emission Standards for Hazardous Air Pollutants  
(NESHAPs), Standards for Radon Emissions from Operating Mill  
Tailings, 40 CFR Part 61, Subparts A and W.

Dear Mr. Ferdinand:

This is in response to your application of November 16, 1990, which  
was submitted pursuant to 40 CFR §61.07 (NESHAPs) for approval to  
construct a new synthetic, double lined, phased disposal cell at  
Quivira's uranium mill processing facility at Ambrosia Lake, New  
Mexico. We have completed our initial review of the application.

We have determined that the application is not complete.  
Specifically, §61.07 (b)(3) requires that each application for  
approval of construction shall include, "... technical information  
describing the proposed nature ... of the source ...". In  
particular, the isotopic contents of uranium and radium, and that  
of any other radionuclide that is present in significant  
concentration, were not presented in the application. Also, the  
statement is made in the application that none of the material  
being processing [sic] is mixed waste. This statement should be  
supported by providing a listing of all the significant chemical  
and other constituents that are present in the materials to be used  
as feed.

In the course of our review scoping calculations were performed,  
using estimates of the uranium content of raffinate from the  
Sequoyah Fuels Uranium Hexafluoride conversion facility. These  
calculations are imprecise because of several uncertainties, but  
they suggest that the quantity of uranium in the amount of feed  
material needed to fill the proposed disposal cell with tailings

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Certified By Mary C. Hoot

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is not enough to offset the expense of its milling. If this is indeed the case, then it is not clear that the waste materials from the milling process would be uranium tailings within the meaning of §60.251 (g), i.e., "waste produced ... from any ore processed primarily for its source material content."

Another significant omission in the application is a description of the status of the existing tailings impoundment #2 with respect to the Radionuclide NESHAPs, Subparts T and W. If the impoundment is considered to be in standby status for operation to accept additional tailings, and if it lacks a liner which meets the requirements set forth at §61.252 (c), then the impoundment has been in noncompliance with §61.05 (c) since March 15, 1990. If the impoundment has ceased to be operational (§61.221 (b)), then it must be disposed of and brought into compliance with Subpart T, §61.222(a) by December 15, 1991.

Since the new phased tailings disposal cell is proposed to be constructed below grade within the existing tailings impoundment #2, we are concerned that operation of the disposal cell might interfere with, or delay the schedule for, disposal of the tailings in impoundment #2 as required by §61.222 (b). An additional concern is the possible impact on the NESHAPs compliance of impoundment #2 if future additional disposal cells are planned to be constructed.

In order for us to expedite and complete our evaluation of your application for approval of construction for NESHAPs compliance, you should submit the necessary additional information which has been described in this letter, to satisfy your application's deficiencies. Specifically, the necessary additional information is:

1. Concentrations of uranium, radium and all other radioactive, chemical and other constituents of the feed material described in the application.
2. A statement as to whether existing tailings impoundment #2 is subject to 40 CFR 61 Subpart T, or to 40 CFR 61 Subpart W. If subject to Subpart W, an additional statement is required as to whether or not a liner is present which meets the requirements specified at 40 CFR 61.252 (c).
3. A description of construction and operational activities related to the proposed new tailings disposal cell, as they may affect the disposal of existing tailings impoundment #2.
4. A description of construction and operational activities related to any future new disposal cells, which may be proposed, as they may affect the disposal of existing tailings impoundment #2.

The additional information should be submitted to this office to the attention of Mr. Hank May. Evaluation of your application for NESHAPS compliance will be resumed upon receipt of sufficient information to constitute a complete application.

I will be pleased to answer any questions you may have about this determination. Please refer any informal technical questions to Mr. Hank May of my staff at (214) 655-7223, and any informal legal questions to Mr. Richard Bartley, Esq. at (214) 655-2125.

Sincerely yours,

*John R. Hepola*

*for* A. Stanley Meiburg  
Acting Director  
Air, Pesticides & Toxics Division (6T)

cc: Richard Mitzelfeldt, New Mexico,  
Environmental Improvement Division

Roman E. Hall, Nuclear Regulatory Commission  
Uranium Recovery Field Office