

NUCLEAR REGULATORY COMMISSION

DOCKET NO. 40-3453

LICENSE NO. SEA-917

ATLAS CORPORATION
370 Seventeenth Street, Suite 3050
Denver, Colorado 80202

AGENCY: NUCLEAR REGULATORY COMMISSION

ACTION: DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that a request for Hearing and Petition for Leave to Intervene (Petition) filed by the State of Utah (State) has been reviewed by the staff as a petition under 10 CFR 2.206, in accordance with 10 CFR 2.1205(l)(2). For reasons explained in Director's Decision DD-99-02, dated January 20, 1999, the Petition has been denied.

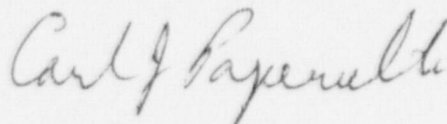
On August 2, 1988, Atlas Corporation (Atlas) submitted an application for a license amendment to revise its site reclamation plan for uranium mill tailings at its site near Moab, Utah. On April 4, 1994, notice of Receipt of Application and notice of Opportunity for Hearing on the application were published in the Federal Register. 59 Fed. Reg. 16,665 (1994). On July 13, 1998, the State filed its Petition stating that if the Petition is found to be untimely that it be treated as a 10 CFR 2.206 petition in accordance with 10 CFR 2.1205(l)(2). The Petition was filed by Denise Chancellor, Assistant Attorney General on behalf of the State. By Memorandum and Order dated August 13, 1998, the Presiding Officer determined that the Petition was inexcusably late and would be treated as a petition under 10 CFR 2.206, in accordance with 10 CFR 2.1205(l)(2). On October 22, 1998, notice of receipt of the Petition was published in the Federal Register. 63 Fed. Reg. 56667 (1998).

In its Petition, the State asserted that if Atlas were to proceed with its reclamation plan as approved by the Nuclear Regulatory Commission, it would be in violation of 10 CFR Part 40, Appendix A. The Petition was referred to the Director of the Office of Nuclear Material Safety and Safeguards. As provided by Section 2.206 and discussed in the Federal Register notice, appropriate action was taken on this Petition. The staff reviewed the specific assertions made by the State and concluded that the Petition should be denied. The basis for the staff's conclusions are detailed in Director's Decision DD-99-02, dated January 20, 1999. A copy of the Director's Decision is available for inspection at the Commission's Public Document Room at 2120 L Street, N.W., Washington, DC 20555.

FOR FURTHER INFORMATION, CONTACT: Myron Fliegel, Petition Manager, Telephone (301) 415-6629

Dated at Rockville, Maryland, this 20 day of January, 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards