

September 7, 1997

Mr. Marvin Freeman, Vice President
Quivira Mining Company
6305 Waterford Bldg., Suite 325
Oklahoma City, Oklahoma 73118

SUBJECT: DENIAL OF GROUNDWATER ALTERNATE CONCENTRATION LIMITS APPLICATION
UNDER THE PROVISIONS OF 10 CFR 2.108

Dear Mr. Freeman:

By letter dated June 18, 1991, Quivira Mining Company (QMC) submitted an application for groundwater alternate concentration limits (ACL's) for its Ambrosia Lake uranium mill and tailings site near Grants, New Mexico. The U.S. Nuclear Regulatory Commission staff response to QMC's request was delayed pending development of the final Staff Technical Position on ACL's, which was issued in January 1996. On October 31, 1996, the NRC requested that QMC provide additional information to justify the proposed application. No response time was specified in the NRC letter, and to date, the NRC has not received the responses needed to complete its review of QMC's application.

Pursuant to 10 CFR 2.108(a), the NRC staff may deny an application if a response to an NRC request for additional information is not received in 30 days from the date of the request, or within another time specified by the NRC staff. The amount of time that has passed since the NRC issued its request for additional information is well beyond the 30 days specified in 10 CFR 2.108. As such, the NRC staff is denying this application due to QMC's failure to provide the needed information to complete the NRC review. Consistent with 10 CFR 2.108(b) QMC has 20 days from the date of this denial to file a request for hearing.

If you have any questions concerning this letter, please contact Ken Hooks, the NRC Project Manager for the Ambrosia Lake site, at (301) 415-7777.

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

Docket No. 40-8905
License No. SUA-1473
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