

STATE OF NEW MEXICO

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December 7, 1983

Mr. D. E. Jonason
Gulf Minerals Resources Company
Manager, Mt. Taylor Mine
Grants, NM 87020

Re: State Implementation of New Promulgated EPA Standards in
40 CFR 192, Environmental Standards for Uranium and Thorium Mill
Tailings at Licensed Commercial Processing Sites

Dear Mr. Jonason:

We are sending this letter to each of our uranium mill licensees in New Mexico, to alert you to EID's responsibilities for implementing the new EPA standards contained in 40 CFR 192 published in the Federal Register, Vol.48, No. 196 (October 7, 1983).

On November 21, 1983, the EID received a letter from the Nuclear Regulatory Commission (NRC), dated November 14, 1983, with an (undated) memorandum from the Executive Legal Director (ELD) for the NRC (attached). The primary thrust of that memorandum was to inform the four Agreement States (including New Mexico) that as of December 7, 1983, the new standards published in 40 CFR 192 have the force and effect of law--and, consequently, that EID is bound to implement the new EPA standards immediately, without waiting for conforming regulations that are to be issued by the NRC and by the New Mexico Environmental Improvement Board (EIB).

Of course we are all aware of the pending federal court challenges to the new EPA regulations, challenges which focus primarily on the arguably belated promulgation of the regulations by EPA. EID has not developed a position on the merits of the challenges, but we do recognize that there is a good-faith basis for contending that the new EPA regulations are not valid federal law. Whether that contention will ultimately prevail in federal court remains to be seen. In the interim, EID is compelled to heed NRC's legal opinion as to EID's duty immediately to commence "ad hoc implementation" of the new EPA standards.

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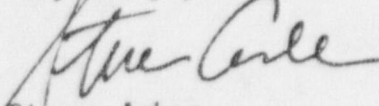
EQUAL OPPORTUNITY EMPLOYER

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We believe that it would be mutually advantageous if you would assist EID in identifying specific areas in which you anticipate problems with immediate compliance with the new EPA standards. For example, we would expect that many uranium mill licensees in New Mexico may have difficulty complying with the nondegradation approach taken in the new EPA standards concerning groundwater contamination from uranium tailings. Your assistance in assessing problem areas at this initial stage in the implementation process will promote a more efficient and responsive enforcement program than would be possible if EID were to proceed without such input from you.

At this time, EID also is seeking further clarification from NRC (see attached letter) as to what NRC expects in requiring "ad hoc implementation" of the new EPA standards immediately after December 6, 1983. We will keep you informed of further communication we receive from the NRC on this and related issues.

Very truly yours,



Steven Asher,
Director

SA/mp

Enclosures