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**NRC ISSUES COMMENTS TO FISH AND WILDLIFE SERVICE
ON ITS REVISED DRAFT OPINION ON UTAH SITE CLEANUP PLAN**

The Nuclear Regulatory Commission has issued comments on the Fish and Wildlife Service's revised draft biological opinion on the proposed reclamation plan for the Atlas Corporation's uranium mill tailings site in Moab, Utah.

Atlas, an NRC licensee, has submitted a plan to stabilize its mill tailings on site. The NRC has not yet made a final determination on the acceptability of this plan.

The next step in the process is for the Fish and Wildlife Service to issue its final biological opinion on the plan. That final opinion will be the last piece of information that NRC needs to complete its Environmental Impact Statement (EIS). The NRC will make its final decision on Atlas's proposed remediation plan once the EIS is published.

The NRC found that the Fish and Wildlife Service revised draft opinion was a significant improvement over the original draft opinion on the Atlas remediation plan.

The Fish and Wildlife Service revised draft opinion states that the Atlas Corporation's plan would jeopardize the continued existence of two endangered fish species in the Colorado River. The revised draft also provides several "reasonable and prudent" alternatives that Fish and Wildlife Service believes would help reduce or eliminate the likelihood of jeopardy to the endangered fish.

The NRC identified a number of technical, administrative and regulatory issues concerning Fish and Wildlife Service's new draft opinion. The NRC also said the draft opinion did not consider the scientific analyses and basis for findings documented by NRC. "Our primary interest has been, and continues to be, that all information and views be considered such that a fair, objective, and implementable regulatory decision can be made," said Carl J. Paperiello, director of the NRC's Office of Nuclear Material Safety and Safeguards, in a May 7 letter to the Service.

Other NRC concerns with the revised draft opinion are contained in the NRC's May 7 letter. The letter also suggests that managers from the two agencies meet to discuss issues associated with the Atlas site.

A copy of NRC's comments on the Fish and Wildlife revised draft opinion will be available at the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20555, and via an NRC web site: <http://www.nrc.gov/OPA/reports/>.

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