

99-377,00-219,00-257

9



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Ms. Kimberly Boggiatto

DATE

JUL 24 2000

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES P Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES P Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

AMOUNT *
\$

- You will be billed by NRC for the amount listed.
- None. Minimum fee threshold not met.
- You will receive a refund for the amount listed.
- Fees waived.

* See comments for details

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed *Carol Ann Reed*

APPENDIX P
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

NO. **DATE** **DESCRIPTION/(PAGE COUNT)**

Item No. 7 - Proposed license amendments since the issuance of the May 28, 1999 license amendment

Amendment No. 31

1. 05/03/99 Ltr. to R. Blubaugh from K. Stablein re: Request for Additional Information (5 pages)

Amendment No. 32

2. 12/27/99 Memo to D. Meyer from T. Essig re: Publication of NRC Order in the Federal Register (4 pages) [NOTE: FRN is located in FRN, Vol. 65, No. 1 Pages 138-140 dated 1/3/00]

May 3, 1999

Mr. Richard Blubaugh
Vice President of Environmental
and Government Affairs
Atlas Corporation
370 Seventeenth Street, Suite 3140
Denver, CO 80202

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION

Dear Mr. Blubaugh:

By your letter of April 20, 1999, you requested an amendment to Atlas Corporation's U.S. Nuclear Regulatory Commission (NRC) Source Material License No. SUA-917. The proposed amendment would permit Mid-Atlantic Pipeline Company to install a new gas pipeline in its existing easement across Atlas' property, within the restricted area of the site.

We have reviewed the plan, "Installation of New Gas Pipeline within Restricted Area of the Atlas Mill Tailings Site," and accompanying material provided in your submittal, and found it to be incomplete. The additional information needed in order to complete our review is identified in the enclosure.

Additionally, your request must address requirements stemming from the National Environmental Policy Act, as codified by NRC in 10 CFR Part 51. You need to provide an environmental report (ER), a supplement to an existing ER, or justification that an ER is not required.

If you have any questions, please call me or Myron Fliegel, the NRC project manager for the Atlas site. I can be reached at (301) 415-7238 and Dr. Fliegel at (301) 415-6629.

Sincerely,

[Signed by]

N. King Stablein, Acting Chief
Uranium Recovery and
Low-Level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-3453
License No. SUA-917
Enclosure: As stated
cc: See attached list

DISTRIBUTION: FILE CENTER PUBLIC NMSS r/f URLL r/f CNWRA
BSpitzberg/RIV ACNW JLusher
w/o Encl.: JHolonich CAbrams RWeller

DOCUMENT NAME: S:\DWM\URLL\MHFIGASIN-Q.WPD

OFC	<i>URLL</i>	C	URLL				
NAME	<i>MR Blubaugh</i>		<i>NK Stablein</i>				
DATE	<i>5/13/99</i>	<i>E</i>	<i>5/13/99</i>				

OFFICIAL RECORD COPY

P11



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 3, 1999

Mr. Richard Blubaugh
Vice President of Environmental
and Government Affairs
Atlas Corporation
370 Seventeenth Street, Suite 3140
Denver, CO 80202

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION

Dear Mr. Blubaugh:

By your letter of April 20, 1999, you requested an amendment to Atlas Corporation's U.S. Nuclear Regulatory Commission (NRC) Source Material License No. SUA-917. The proposed amendment would permit Mid-Atlantic Pipeline Company to install a new gas pipeline in its existing easement across Atlas' property, within the restricted area of the site.

We have reviewed the plan, "Installation of New Gas Pipeline within Restricted Area of the Atlas Mill Tailings Site," and accompanying material provided in your submittal, and found it to be incomplete. The additional information needed in order to complete our review is identified in the enclosure.

Additionally, your request must address requirements stemming from the National Environmental Policy Act, as codified by NRC in 10 CFR Part 51. You need to provide an environmental report (ER), a supplement to an existing ER, or justification that an ER is not required.

If you have any questions, please call me or Myron Fliegel, the NRC project manager for the Atlas site. I can be reached at (301) 415-7238 and Dr. Fliegel at (301) 415-6629.

Sincerely,

N. King Stablein, Acting Chief
Uranium Recovery and
Low-Level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-3453
License No. SUA-917

Enclosure: As stated

cc: See attached list

**REQUEST FOR ADDITIONAL INFORMATION
ATLAS CORPORATION NEW GAS PIPE LINE INSTALLATION**

1. Please provide a map showing the location of the pipeline relative to the rest of the Atlas site. The maps provided do not show this information.
2. The highway designation on the drawing is U.S. Highway 163. Is this the correct highway or should it be U.S. Highway 191?
3. Where will the contaminated materials be placed after their removal during right-of-way decontamination?

The plan indicates that the contaminated material will be transported to a central location within the site and then covered or sealed. Is this the tailings pile? If so, please provide more details on where, in the tailings pile, the material will be placed and whether it will be covered in a manner similar to the temporary cover currently on the pile. If the proposed location of the material is outside the pile, please identify the location and address the requirements in Criterion 6 of 10 CFR Part 40, Appendix A.

4. After the surface areas have been cleaned, how will the pipeline trench material be verified as clean or within the required limits, and who will do this verification?

The information indicates that the right-of-way for the pipeline is going to be approximately 150 feet wide and approximately 1400 feet long. This should be enough room in which to work and keep clean material. It was not clearly indicated who would verify that the trench material is clean. Please identify who will perform that function.

5. Who is providing the radiation safety and contamination control coverage, Atlas or Mid-Atlantic Pipeline Company? What are the qualifications of the individual(s) involved, if it is not the Atlas radiation safety officer? What procedures will be used?

The cover letter dated April 20, 1999, indicates that the Atlas Site personnel monitoring procedure will be used. Since the work is being performed in the Atlas Site restricted area, Atlas radiation safety staff could provide the coverage and use their procedures. However, this is not clearly stated as such.

6. The licensee needs to provide a map or drawing showing where the samples, whose analyses were reported in the accompanying report from Barringer Laboratories, were taken.

Enclosure

Molly McUsic
Counselor to the Secretary
U.S. Department of the Interior
1849 C Street, NW, Room 6412
Washington, DC 20240

Marcia Moore
W0760
Bureau of Land Management
1849 C Street, NW
Washington, DC 20240

Kerry Moss
National Park Service
Mining and Minerals Branch
P.O. Box 25287
Denver, Colorado 80236

Vijai Rai
Senior Environmental Review Officer
Office of Environmental Policy and
Compliance
U.S. Department of the Interior
1849 C Street, NW
Mail Stop 2340
Washington, DC 20240

Steve Rauzi
416 West Congress #100
Tucson, Arizona 85701

Robert M. Reed, Supervisor
Environmental Analysis and
Assessment Section
Oak Ridge National Laboratory
Bethel Valley Road
P.O. Box 2008
Oak Ridge, Tennessee 37831-6200

Gabrielle Sigel
Jenner & Block
One IBM Plaza
Chicago, Illinois 60611

William J. Sinclair, Director
Division of Radiation Control
Department of Environmental Quality
State of Utah
168 North 1950 West
P.O. Box 144850
Salt Lake City, Utah 84114-4850

Anthony J. Thompson
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, DC 20037-1128

Christine Turk, Chief
Branch of Compliance
National Park Service
12795 W. Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225

Joe Webster
U.S. Fish and Wildlife Service
Region 6
P.O. Box 25486
Denver Federal Center
134 Union, Suite 400
Lakewood, Colorado 80225-0486

Wes Wilson
U.S. EPA - Region III
999 18th Street, Suite 500
Denver, Colorado 80202-2405

Addressees for Letter Dated: May 3, 1999

Sylvia Barrett
Metropolitan Water District of
Southern California
700 Moreno Avenue
LaVerne, California 91750

Brad Campbell
Associate Director for Toxics
and Environmental Protection
U.S. Council on Environmental Quality
722 Jackson Place NW
Washington, DC 20503-0002

R.L. Christie, ATL
P.O. Box 1366
Moab, Utah 84532

John E. Cook, Reg. Dir.
Rocky Mountain Region
National Park Service
U.S. Department of the Interior
12795 Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

Walt Dabney, Superintendent
Canyonlands National Park
National Park Service
2282 S. West Resource Blvd.
Moab, Utah 84532

Susan Daggett
Earthjustice Legal Defense Fund, Inc.
1631 Glenarm Place, Suite 300
Denver, Colorado 80202

Dale Edwards
Radiation Protection Coordinator
Atlas Corporation
P.O. Box 1207
Moab, Utah 84532

Grand County Library
25 South 100 East
Moab, Utah 84532

Reed Harris
U.S. Fish and Wildlife Service
Lincoln Plaza, Suite 404
Salt Lake City, Utah 84115

Dave Hutchenson
Grand County Administrator
125 East Center
Moab, Utah 84533

Dan Kimball, Chief
Water Resources Division
National Park Service
U.S. Department of Interior
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525

William Lamb
Associate State Director
Bureau of Land Management
324 South State Street
Salt Lake City, Utah 84111-2303

Milton K. Lammering
U.S. Environmental Protection Agency
Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202-2405

Bart Leavitt
Grand County Council
125 East Center
Moab, Utah 84533

Harvey Merrill
Grand County Council
125 East Center
Moab, Utah 84533

Al McLeod
Grand County Council
125 East Center
Moab, Utah 84533

December 27, 1999

MEMORANDUM TO: David L. Meyer, Chief
Rules Review and Directives Branch
Division of Freedom of Information
and Publication Services
Office of Administration

FROM: Thomas H. Essig, Chief [Michael Layton for]
Uranium Recovery and
Low-Level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

SUBJECT PUBLICATION OF U.S. NUCLEAR REGULATORY COMMISSION
ORDER IN FEDERAL REGISTER

This is a request for you to cause the attached notice concerning an Order transferring the license for the Atlas Moab Mill Site to be published in the *Federal Register*. I have included a signed original, five copies, and a diskette containing the notice and the Order text.

If you have any questions regarding this matter during the week of December 27th while I am out of the office, please contact the Acting Branch Chief, as follows: Mike Layton (x6676) during December 27-28 and Dan Gillen during December 29-30 (x7295).

Attachment: Notice of Order Transferring License
Release Order

CONTACT: Thomas Essig, NMSS/DWM
(301) 415-7238

DISTRIBUTION w/Encl.: File Center NMSS r/f URLL r/f BSpitzberg, RIV
NMSS Dir. Off. r/f ACNW PUBLIC DWM r/f MFliegel
WKane MVirgilic JGreeves JHolonich DGillen MLayton
SBurns, OGC JGray, OGC SMartz, OGC MLesar, ADM

DOCUMENT NAME: GUURLLIMHFIFRNOTICEATLASORDER.WPD

OFC	URLL						
NAME	TESSig.bg						
DATE	12/27/99						

OFFICIAL RECORD COPY

This document should/ ~~not~~ be made available to the PUBLIC

ME
(Initials)

12/27/99
(Date)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 27, 1999

MEMORANDUM TO: David L. Meyer, Chief
Rules Review and Directives Branch
Division of Freedom of Information
and Publication Services
Office of Administration

FROM: Thomas H. Essig, Chief
Uranium Recovery and
Low-Level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

MC Layton for

SUBJECT PUBLICATION OF U.S. NUCLEAR REGULATORY COMMISSION
ORDER IN FEDERAL REGISTER

This is a request for you to cause the attached notice concerning an Order transferring the license for the Atlas Moab Mill Site to be published in the *Federal Register*. I have included a signed original, five copies, and a diskette containing the notice and the Order text.

If you have any questions regarding this matter during the week of December 27th while I am out of the office, please contact the Acting Branch Chief, as follows: Mike Layton (x6676) during December 27-28 and Dan Gillen during December 29-30 (x7295).

Attachment: Notice of Order Transferring License
Release Order

CONTACT: Thomas Essig, NMSS/DWM
(301) 415-7238

U.S. Nuclear Regulatory Commission

Docket No. 40-3453

Moab Mill Reclamation Trust

Notice of Order and an Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Order transferring License No. SUA-917 for the Moab, Utah facility and site from Atlas Corporation to the Moab Mill Reclamation Trust; notice of opportunity for a hearing.

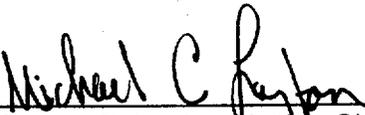
SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has signed an Order (copy attached) dated December 27, 1999, transferring Source Material License SUA-917 for the Moab, Utah, facility and site from Atlas Corporation (Atlas) to the Moab Mill Reclamation Trust (Trust). On September 22, 1998, Atlas filed a petition for relief under Chapter 11 of the U.S. Bankruptcy Code. After filing for relief, Atlas entered into settlement discussions with NRC, the State of Utah, and other parties to the bankruptcy proceeding regarding the reclamation and disposition of the Moab Mill Site. Those discussions resulted in the development of the Moab Uranium Millsite Transfer Agreement (Settlement Agreement) which provides for transfer of the Moab Mill Site and the NRC license to a trust, the trustee of which would carry out remediation of the site pursuant to the terms and conditions of NRC License SUA-917, as amended on June 24, 1999. The terms and conditions of NRC License SUA-917 include the reasonable and prudent alternatives (RPAs) and reasonable and prudent measures (RPMs) in the U.S. Fish and Wildlife Service's final biological opinion (FBO) dated

July 29, 1998 (included in the NRC's "Final Environmental Impact Statement Related to Reclamation of the Uranium Mill Tailings at the Atlas Site, Moab, Utah," (FEIS) NUREG-1531, published in March 1999), as well as mitigative measures developed by the NRC staff. The Settlement Agreement was submitted to the United States Bankruptcy Court for the District of Colorado for approval on April 29, 1999. On December 1, 1999, the Court issued an Order confirming the second amended plan of reorganization of the Atlas Corporation, which includes the Settlement Agreement.

FOR FURTHER INFORMATION CONTACT: Myron Fliegel, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001, telephone (301) 415-6629, e-mail mhf1@nrc.gov.

Dated at Rockville, Maryland, this 27 day of December 1999.

For the Nuclear Regulatory Commission.



Michael C. Layton, Acting Chief
Uranium Recovery and
Low-Level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards