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**Name:** Paul Lohaus  
**Organization:** Office of State and Tribal Programs / U.S. Nuclear Regulatory Commission

**From:** Dawn Watch  
**Date:** August 16, 2000

**Subject:** Dawn Mining Company  
**Pages:** 2

Dear Mr. Lohaus,

The Washington State Department of Health is seeking approval a closure plan for the Dawn Uranium Mill at Ford Washington. We ask that any initial approval from your office be temporarily withheld.

The Dawn Watch organization has participated as a public interest group in the various licensing process associated with operation and future closure of the site. As you are aware the mill site has been leaking into Chimokane Creek which lies within the Spokane Indian Reservation. Daw Watch has contended that the site including the mill tailings pond should be closed as soon as possible. Dawn Mining has decided that they would close and dismantle the mill rather than pay for the necessary maintenance needed to extract uranium. The State of Washington has given their approval to this request by licensing Dawn Mining to dump "source material" directly into the mill tailings pond.

Dawn Watch for a number of years has requested at each opportunity that because the HDPE material is 15 years old that it be laboratory tested to ascertain that it will probably be reliable for at least the next nine years of continued dumping. Washington Department of Health does have reports that show in visually inspecting a small portion of the exposed liner there were holes, cracks in the fabric and failed seams that required repair. We have asked that testing be done by a laboratory accredited by the GeoSynthetic Institute at Drexel University.

Washington State has refused this request stating that the Dawn site does not leak. The state has been given considerable information including material from the EPA that simply states "all HDPE liners leak.

Our second area of concern is the closure plan itself. The depth of cover material proposed for closure has vacuolated over the years from less than three feet to fifteen feet. The State has seemingly given tact approval to each modification. The current design calls for nine feet of 'local dirt. This a net decrease of six feet of cover material. The state has chosen to ignore problems at Hanford with biotic intrusion as factors that will be encountered at the Dawn site. One specific specie is tumbleweeds or Russian Thistle. The "1998 DOE report "Control of the Spread of Radioactive Contamination Due to Biological Transport on the Hanford site, states.

- *"Tumbleweeds have deep growing trap roots that can access buried waste to a depth of 15 feet or greater". (ATT-2)*
- *"The spread of contamination by biological transport, such as tumbleweeds, is on the rise."(2-1)*
- *"The cost of removal of contaminated tumbleweeds is high compared to the costs of prevention"(2-1)*
- *"The cost of controlling the growth of tumbleweeds, approximately \$343 per acre, is substantially cheaper than the cost of removal of tumbleweeds, \$27,000 tp \$16000 per acre (2-4)*

To put these figures into a more meaningful perspective if we figured a rotation of once each five years for the minimal acreage at the Dawn Mill (28 acres) and multiply use the 1998 costs for the minimal design criteria the result for tumbleweeds alone is in excess of one million dollars.

In a June 12, 2000 meeting with the WA Dept. of Health, I asked the question of where the funds would come from for controlling tumbleweeds and other biotic intruders. Gary Robertson was asked that as the cover design indicated problems with intrusion how would tumbleweeds be controlled. His response was that a "care and maintenance fund" would be available. The DOH has not shown that any consideration has been given to design factors proposed by Glendon Gee Pacific Northwest National Laboratory

Both the EPA and the DOE have made it quite clear on any number of occasions that containment of contaminants are to incorporated in the design for closure of uranium mills or tailing piles. A recent report by the National Research Council noted, "Congress usually appropriates money on an annual basis,

Dawn Watch is now evaluating available courses for legal action to determine if the approved closure plan gives appropriate long term protection to the public and will not become a burden to the tax payer, as required by law or regulation. To allow sufficient time we are asking you to withhold judgement on the request for approval by Washington Department of Health until the first of the year.

Thank You,

Owen Berio / Dawn Watch

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