



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

99-377,00-219,00-257

22

RESPONSE TYPE  FINAL  PARTIAL

DATE **NOV 16 2000**

REQUESTER **Ms. Kimberly Boggiatto**

#### 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 RR,SS** 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 RR** 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 RR  
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)</u></b>
1.	05/13/96	Ltr. from R. Blubaugh, Atlas to Sen. Hatch re: Atlas Corporation's uranium mill tailings and their perspective on issues (7 pages)
2.	09/24/96	Item of Interest (1 page)
3.	05/06/97	E-mail from M. Fliegel, NMSS to D. Dandois, et. al., re: Potential Bankruptcy Review Team (1 page)
4.	09/23/98	Letter to E. W. Merschoff and J. J. Holonich from R. E. Blubaugh, re: Atals Corporation—Source Material License SUA-917/Docket No. 40-3453 Notification re Bankruptcy Filing (1 page)
5.	09/24/98	Handwritten notes (2 pages)
6.	09/24/98	Atlas bankruptcy review team meeting (1 page)
7.	09/29/98	Letter to Creditors of Atlas Corporation from J. B. Holden, Holden Padjen and Laufer (3 pages)
8.	10/01/98	Meeting Summary (1 page)
9.	10/12/98	Proof of Claim (1 page)
10.	10/14/99	E-mail from H. Berkow, NRR to N. Hilton, Paul Goldberg, NMSS, Suzanne Black, NRR re: Publication of 2.206 DDs in the Federal Register (1 page)

Re: FOIA/PA-99-377  
00-219  
00-257

**APPENDIX SS  
COPYRIGHTED RECORDS**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)</u></b>
1.	09/24/98	Yahoo Finance regarding Atlas Corp Files Chapter 11, <a href="http://biz.yahoo.com/rf/980923/3e.htm">http://biz.yahoo.com/rf/980923/3e.htm</a> (1 page)



# ATLAS CORPORATION

Republic Plaza, 370 Seventeenth Street, Suite 3050  
DENVER, CO 80202  
Telephone: (303) 629-2440 Fax: (303) 629-2445

**RICHARD E. BLUBAUGH**  
Vice President Environmental  
and Governmental Affairs

May 13, 1996

**VIA FEDERAL EXPRESS**

Senator Orrin Hatch  
131 Russell Building  
Washington, D.C. 20510  
and  
125 South State Street  
8402 Federal Building  
Salt Lake City, UT 84138

**Re: Atlas Corporation's Uranium Mill Tailings  
and their Perspective on Issues**

Dear Senator Hatch:

Thank you for meeting with Atlas Corporation's corporate leadership regarding the status of reclamation of the uranium mill tailings pile at Moab, Utah on April 23, 1996.

During our meeting, it was noted that the Utah Department of Environmental Quality (DEQ) has questioned NRC's decision not to fold consideration of potential groundwater corrective action issues into the current *Draft Environmental Impact Statement* (DEIS) and *Draft Technical Evaluation Report* (DTER). I thought that it would be appropriate to provide you with Atlas' perspective on these issues in case you or your staff receive inquiries.

First, a groundwater corrective action program (GWCAP) is required by Criteria 5 and 13 of Appendix A to 10 CFR 40. If contamination in excess of specified limits (i.e., background concentrations, maximum concentration limits [MCLs] under the Safe Drinking Water Act, or alternate concentration limits [ACLs]) is found beyond the point of compliance [POC], which is essentially the perimeter of the tailings pile, compliance with these regulatory limits, or a licensee proposed alternative providing equivalent protection, is necessary before Atlas can terminate its license regardless of the final location of the tailings pile. *However, any final potential GWCAP decisions affecting the Moab site are dependent on whether the decision is made to reclaim in place or to relocate the pile.* Let me explain.

RR/1

Senator Orrin Hatch  
Atlas Perspective  
May 13, 1996  
Page Two

- If the pile is reclaimed in place, Atlas can propose ACLs for any contaminate that exceeds background or MCLs at the POC. If Atlas can demonstrate that the risk to public health at the point of exposure (POE) is acceptable, the ACL then becomes a site-specific risk-based standard. Any decision on an ACL would then become an integral part of finalizing and performing any necessary GWCAP. The POE is the nearest point on the Colorado River.
- If, on the other hand, the pile is relocated, the presumption is that the Moab site must be released for "unrestricted" (i.e., any) use, otherwise why move it in the first place. Unrestricted use would not permit the use of ACLs since there will be no pile, thus no POC or POE at the site. Groundwater would then have to satisfy the background or MCL limits, if possible.

Thus, the NRC has, in our view, correctly made the decision to make any further GWCAP considerations the subject of a separate licensing action. This is in keeping with normal NRC processes (see *Attachment 1 - License Termination Process*).

Should you be concerned that nothing is being done currently to address groundwater contamination, let me take a few more moments of your time to bring you up-to-date on current groundwater corrective actions at the Moab site. In July 1990, Atlas began pumping retained water from within the tailings pile itself and evaporating it at the surface thereby removing any contaminants contained in the water from any leaching pathway. As a result, contaminant concentrations in groundwater beyond the POC have been steadily declining and will continue to do so particularly after a final cover is put in place (see *Attachment B1 - Well AMM2 [POC] Results and Trend of Natural Uranium Analyses* and *Attachment B2 - Well AMM2 (POC) Results and Trend of Total Dissolved Solids Analyses*).

Moreover, the NRC has found that there is no imminent public health hazard associated with groundwater contamination at the site since the water beneath the site is naturally unfit for human consumption and likely always will be regardless of any contributions from tailings leachate. Similarly, the NRC has found that the groundwater contaminants linked to the pile are having (and have had) negligible impacts on water quality in the Colorado River. Both the Park Service and the State have ample data indicating that water quality in the river is naturally poor.

Senator Orrin Hatch  
Atlas Perspective  
May 13, 1996  
Page Three

Finally, Atlas has done some preliminary evaluation of potential groundwater treatment options (see *Attachment C - Four Engineering-Feasible Groundwater Corrective Actions*). At present, three of these preliminary options indicate many years of treatment, questionable results (i.e., the likelihood of bringing brine from the deep aquifer and river water into the treatment system), and major sludge disposal issues. In any event, one thing is clear -- that is, potential GWCAP decisions will have to be addressed by Atlas and the NRC which will offer the State ample opportunity for input prior to license termination if the site is reclaimed in place.

I hope this letter provides you with the necessary information to "get your arms around" this issue should you receive any inquiries. If you or your staff have any questions, please contact me.

Sincerely,

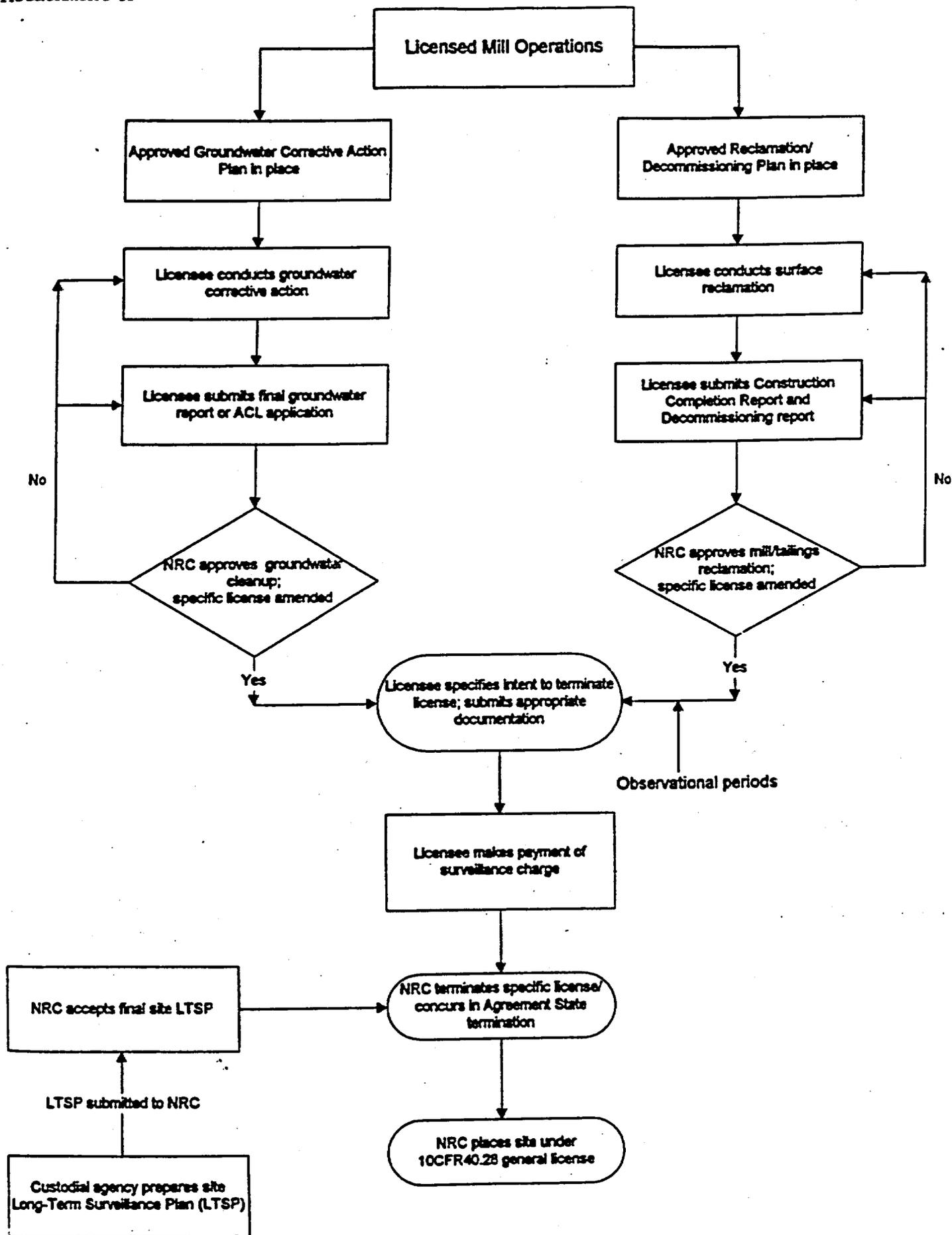
*Quath E. Booran*  
for Richard E. Blubaugh

Enclosures

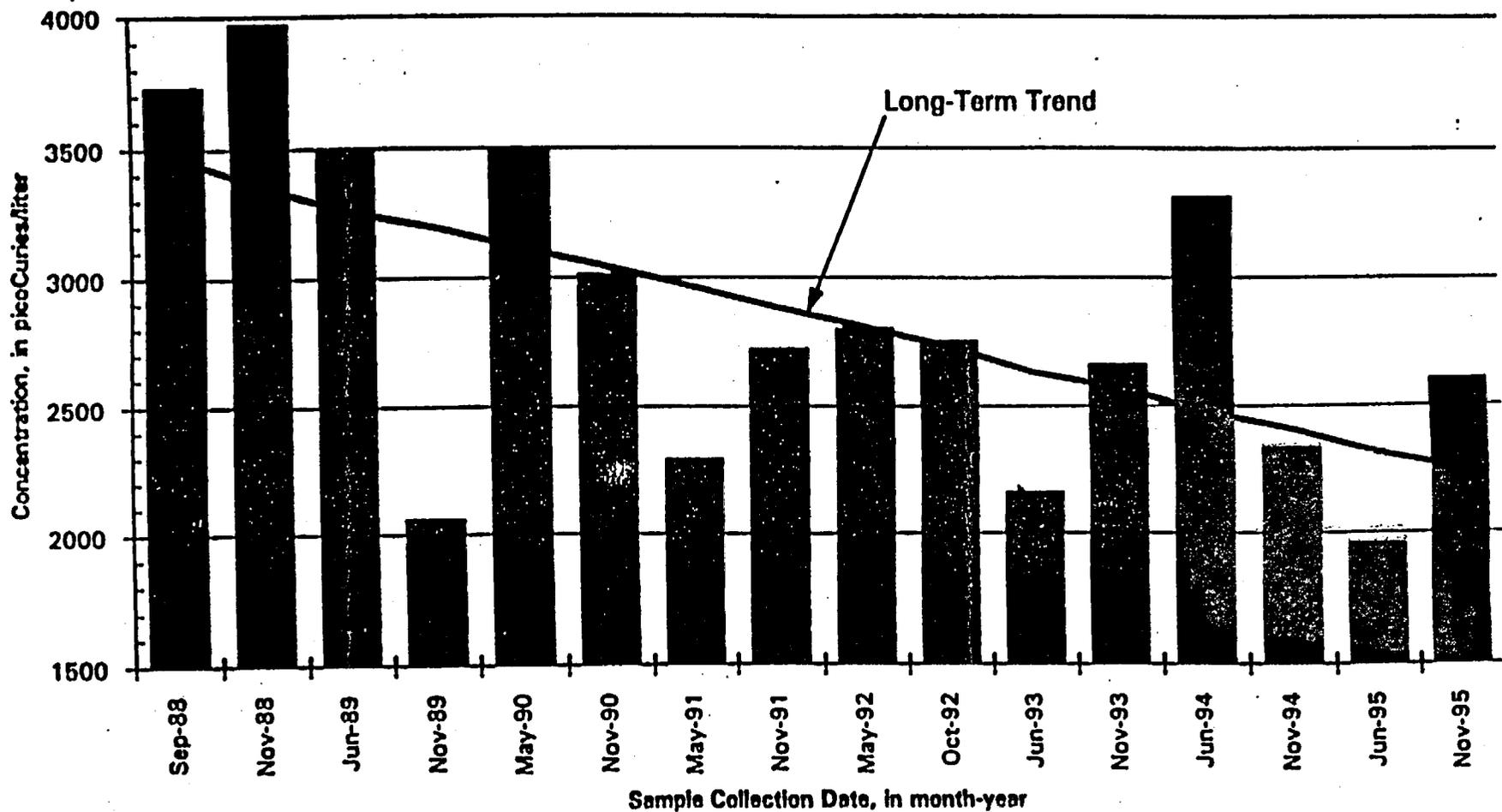
cc: Gary Davis  
Anthony Thompson

# License Termination Process

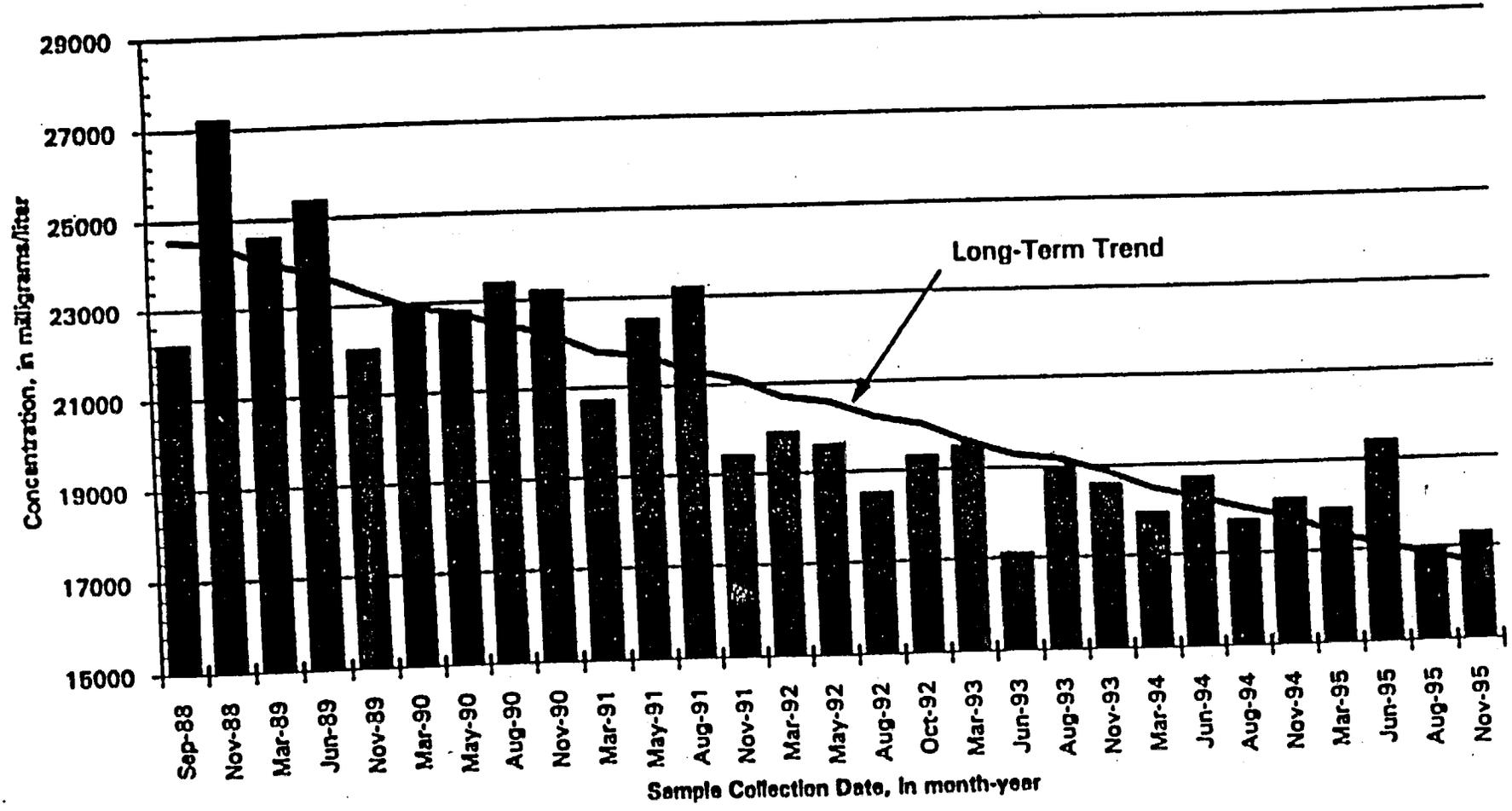
Attachment A



### Well AMM-2 (Point of Compliance) Results and Trend of Natural Uranium Analyses



### Well AMM-2 (Point of Compliance) Results and Trend of Total Dissolved Solids (TDS) Analyses



### Attachment C

The four engineering-feasible groundwater corrective actions identified and evaluated by

Atlas in the July 1994 Ground Water CAP report are:

- Alternative 1 - Limited Action Alternative which utilizes the components of the Reclamation Plan (Canonie, 1992) including infiltration and runoff control, affected soil removal, institutional controls and groundwater monitoring.
- Alternative 2 - Hydraulic gradient control using a downgradient injection trench to feed river water to the groundwater table with an upgradient pumping system and evaporation of extracted groundwater.
- Alternative 3 - Partially penetrating slurry wall with an upgradient pumping system and evaporation of extracted groundwater.
- Alternative 4 - Ground water extraction with soda ash treatment as a primary treatment, reverse osmosis as a polishing step, and ultimate discharge to the Colorado River.

All of the alternatives are projected to reach proposed ACLs (10 C.F.R. 40, Appendix B, Criterion 5B(5)(c)) within 35 years and would meet NRC values for ground-water protection (10 C.F.R. 40, Appendix B, Criterion 5B(5)(b)) and Criterion 5C) within 70 years. All of the alternatives except Alternative 1 would require the development of a new evaporation pond on top of the current tailings pile and, ultimately, disposition of significant amounts of sludges (which will include radionuclide components) created by the water treatment activities. Alternative 1 is the preferred approach because it accomplishes the same goal as the other alternatives in a similar time frame at a lower cost (Ground Water CAP report, Canonie, July 1994).

9/24/96  
E.D.C. item of interest

Item of Interest

Meeting with Atlas Corp.

On September 19, 1996, Carl Paperiello and staff from the Office of Nuclear Material Safety and Safeguards and the Office of the General Counsel met with the president and other representatives of Atlas Corporation to discuss the schedule and status of NRC's ongoing review of Atlas' proposed reclamation of its uranium mill tailings near Moab, Utah. The meeting was closed to the public, at Atlas' request, in order for Atlas to discuss confidential financial information. Atlas stated that its financial situation was deteriorating rapidly. Its' stock price (Atlas is traded on the New York Stock Exchange) is under 70 cents a share, from a high of 10 dollars within the last several years. Atlas finds it virtually impossible to raise new money; it can not issue more stock because of the low price and cannot borrow money because of concerns of potential lenders. Atlas stated that the cause of its financial difficulties is the delay in NRC's decision on the Moab facility reclamation and the resulting uncertainty about Atlas' financial liability. Atlas' president stated that stockholders are considering various options, including replacing the current management and Board of Directors and trying to separate the Moab reclamation liability from the rest of the company's assets. Atlas stated that it is extremely important that the schedule be expedited as much as possible.

NRC noted that the major causes of the delay in finalizing the Environmental Impact Statement (EIS) were the extensive comments received on the January 1996 draft EIS and delays caused by interactions with other Federal Agencies, primarily the Department of the Interior (DOI). NRC stated that it needed a biological opinion from the U.S. Fish and Wildlife Service (F&WS), in conformance with the Endangered Species Act, and a reconsideration from the U.S. Environmental Protection Agency (EPA) on its rating of the DEIS, before it could publish the FEIS. Both agencies had requested further information that Atlas was collecting. Atlas complained that DOI, and especially the National Park Service (a cooperating agency in the preparation of the EIS), was purposely delaying the process to try to force the tailings to be removed from the Moab site. Atlas also stated that F&WS was also delaying the process by requesting much more information than was needed to render an opinion with respect to endangered species. Atlas suggested that NRC come to a quick decision regardless of whether other Federal agencies had been satisfied. NRC stated that if it did not follow procedures and made a decision without the proper interactions with other Federal agencies, that decision could be challenged and even overturned on procedural grounds. Atlas then urged NRC to press F&WS and EPA to render their decisions as quickly as possible.

NRC stated that most of the open issues identified in the January 1996 Draft Technical Evaluation Report (DTER) relating to the acceptability of the site had now been resolved. Atlas requested that NRC formally provide documentation of its progress in the review. NRC will send a letter to Atlas, documenting the status of the 20 DTER open issues, in the near future. Atlas, within the next three weeks, will provide information on those DTER open issues that it has not yet addressed.

RR/2

**From:** Myron Fliegel, NMSS  
**To:** TWP9.DBD, WND1.WNP2.RLF, WND2.WNP6.JXL, JJH1, ARD1...  
**Date:** 5/6/97 9:25am  
**Subject:** Potential Bankruptcy Review Team

NMSS Policy and Guidance Directive PG 8-11 provides procedures for reviewing bankruptcies of licensees. It requires that the project manager form a bankruptcy review team within 24 hours of bankruptcy notification and identifies your groups as potential participants. Atlas Corp. operated a uranium mill in Moab, Utah, holds an NRC license and is responsible for reclaiming the site and tailings pile. Atlas has NOT declared bankruptcy, nor notified me of any new deterioration of its financial situation. However, its most recent annual report, filed last month, contained an unusual statement from the independent accountant. I've attached the accountant's report. Note especially the last paragraph. I have downloaded the entire annual report; if you need more information, I can send it.

Based on the report, do you think we should prepare in any way for a possible bankruptcy? Do we need to set up a meeting, identify individuals to become familiar with the situation, or do anything else? While I am NOT anticipating bankruptcy, I don't want to be unprepared, should it happen.

Mike Fliegel  
Atlas PM

**CC:** LMB1, RHT

*TO: Diane Dandolis, CFO  
Robert Fournier, OGC  
James Ziehlman, OE  
Joseph Holovich, NMSS*

*RR13*

  
**ATLAS CORPORATION** | 

Republic Plaza, 370 Seventeenth Street, Suite ~~9050~~  
Denver, CO 80202 <sup>3140</sup>  
Telephone: (303) 629-2440 Fax: (303) 629-2445

**RICHARD E. BLUBAUGH**  
Executive Vice President

September 23, 1998

**VIA FACSIMILE: (817) 860-8122 and**  
**VIA UNITED STATES POSTAL SERVICE**  
Mr. Ellis W. Merschoff, Regional Administrator  
U.S. NUCLEAR REGULATORY COMMISSION  
611 Ryan Plaza Drive, Ste. # 400  
Arlington, TX 76011-4351

and

**VIA FACSIMILE: (301) 415-5397 and**  
**VIA UNITED STATES POSTAL SERVICE**  
Mr. Joseph J. Holonich, Chief  
U.S. NUCLEAR REGULATORY COMMISSION  
High-Level Waste and Uranium Projects Branch  
Division of Waste Management (MS: T7-J9)  
Office of Nuclear Material Safety and Safeguards  
Washington, D.C. 20555-0001

**Re: Atlas Corporation -- Source Material License SUA-917 / Docket No. 40-3453**  
**Notification re Bankruptcy Filing**

Dear Messrs. Merschoff and Holonich:

In accordance with 10 CFR § 40.41(f)(1), Atlas Corporation is hereby notifying the United States Nuclear Regulatory Commission that Atlas Corporation has filed with the United States Bankruptcy Court for the District of Colorado a petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. Sections 101 et seq. (the Bankruptcy "Code"). The bankruptcy petition was filed on September 22, 1998.

The company intends to continue to operate its business as a debtor-in-possession pursuant to the Code.

Please contact me should you have any questions regarding this matter.

Sincerely,  
  
Richard E. Blubaugh

cc: R. Scarano, A. Thompson, H. Sender

9/24/98  
1:00 pm

Thurs Oct 1 9:30 mtg = ATLAS

also to assure us they have everything under control.

Atlas is continuing to control the site.

6 letters will be prepared.

Inspection? No will write trip report

NRC has been asked to be a member of the  
Unsecured Creditor Committee.

OGC agrees the mtg should be  
covered on Friday, Oct 2.

Current plan for reclamation \$16 million  
currently have \$6.5.

~~will look at~~

NRC submit  
fees.

surety not to go into ~~pot.~~  
environmental liability

b.6 & plan

RRIS

~~Pres~~  
Wants X

If we draw down assets, the surety company should let  
against the assets.

Review completion 1st Qtr 99.

Notify EPA - Kenneth has done this.  
Helped John & Michelle  
with meeting ~~with~~ - 1/2 hr.

Week of Oct \_\_\_\_\_

Atlas bankruptcy review team meeting  
September 24, 1998  
1:00 p.m.

\* Meeting with Atlas Corp. - Thur Oct 1 - 9:30-11:30 T7A-1  
Decide on NRC attendees

\* Lead for bankruptcy team - M. Fliegel  
need list of recipients for incoming material

Contingency Actions

- 1) Write letter to Atlas asking it to confirm that site will continue to be controlled as per license or wait for meeting next week?  
  
Agree - no need for inspection now.
  - 2) Contacts with DOJ and Bankruptcy Court.
    - \* Memo from DOJ 9/23/98 - OGC lead
    - \* Unsecured creditors meeting - Denver 10/2 - who is representing NRC
    - \* Need to notify Court of both \$ owed to NRC and environmental liability (tailings pile) that must be remedied.
  - 3) Atlas aware that it is still responsible for requirements in license.  
Need to provide written notice of Atlas' obligations at Moab site - OGC lead.
  - 4) OGC lead - representation in bankruptcy proceeding.
  - 5) Financial surety - need to call.
    - \* Major subject of 10/1 meeting
    - \* NRC should not call surety unless Atlas disappears or ACSTAR gives notice of terminating surety.
- \* Next BRT meeting - immediately following Atlas meeting, that afternoon, or other time.

RR/6

**Holden Padjen and Laufer LLC**  
Attorneys at Law

1000 005 -5 PM 2: 57

303 East 17th Avenue, Suite 660  
Denver, Colorado 80203  
Telephone: (303) 863-1100

James B. Holden  
Direct Dial: (303) 863-8265

Facsimile:  
(303) 863-1109

September 29, 1998

To Creditors of Atlas Corporation (see attached list):

Atlas Corporation has filed a Chapter 11 bankruptcy case in the United States Bankruptcy Court for the District of Colorado. The United States Trustee has invited the twenty largest creditors to a meeting on October 2, 1998 at 1:00 p.m. to discuss the formation of an unsecured creditors' committee. I am writing you because you appear on Atlas' list of twenty largest creditors.

Chapter 11 is somewhat unique in that the debtor typically administers its own estate as a debtor in possession. The debtor in possession acts as the fiduciary for the estate and performs functions which in other types of bankruptcy cases are performed by a bankruptcy trustee. There is a built-in conflict in this role, because management of the debtor typically is seeking to protect the position of shareholders and management, and at the same time is expected to maximize the recovery to creditors of the estate. A unsecured creditors' committee, on the other hand, is primarily concerned with the maximization of recoveries to unsecured creditors. By overseeing the activities of the debtor in possession, a strong creditors' committee helps to remind the debtor in possession that the recovery to unsecured creditors has a higher priority than preservation of shareholders and management.

The creditors' committee in the Atlas case will need to engage counsel to assist it in the performance of the committee's duties, and to advise it as to the negotiation of a Chapter 11 plan and regarding the debtor's administration of the estate. I would be interested in being considered as counsel for the committee. I am enclosing my firm's brochure, which describes the members of my firm and some of the cases which we have handled in recent years. My firm currently represents several creditors' committees in other cases.

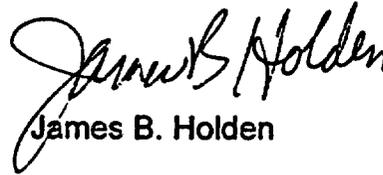
My experience as a business bankruptcy attorney is particularly well-suited to this case. Beginning in 1991, I represented Mid-Continent Resources, Inc. in its Chapter 11 case. Mid-Continent operated a large coal mine which went into reclamation during the pendency of the bankruptcy, and the Chapter 11 plan confirmed in that case has funded an environmentally responsible reclamation program. Beginning in 1995, I represented Energy Fuels, Ltd., an affiliate of Oren Benton, as a Chapter 11 debtor. That case resulted in a sale of the company's domestic and foreign uranium holdings for approximately \$20 million.

RR/7

Atlas Corporation Creditors  
September 29, 1998

I plan to attend the committee formation meeting on October 2 and hope to see many of you there. If a committee is formed, one of the first tasks of the committee will be to select counsel. Typically, a subset of the committee interviews several firms and recommends a candidate to the full committee. I would be pleased to be considered for the position and, if selected, would work diligently to represent the interests of Atlas' unsecured creditors.

Very truly yours,

A handwritten signature in cursive script that reads "James B. Holden". The signature is written in black ink and is positioned above the printed name.

James B. Holden

JBH:ss  
Enclosure

## Atlas Corporation Twenty Largest Creditors

Lindner Dividend Fund Inc.  
Attn: Eric Ryback  
711 Carondelet Avenue  
Suite 700  
St. Louis, MO 63105

US Nuclear Regulatory  
Commission Chief  
Uranium Recovery Branch  
Division of Waste  
Management  
Office of Nuclear Safety and  
Safeguards  
Washington, DC 20555

Corporation Andina de  
Formento  
PO Box 5086  
Altamia 69011-69012  
Caracos, Venezuela

Environmental Protection  
Agency  
Attn: Richard Proconier  
Superfund Program (h-6-2)  
75 Hawthorne Street  
San Francisco, CA 94105

Teamsters Pension Trust  
Fund of Philadelphia  
Attn: William Finhorn, Admin.  
4th and Cherry Streets  
Philadelphia, PA 19106

Atlas Corp. 1978 Retirement  
Plan  
370 17th Street, Suite 3140  
Denver, CO 80202

Goldschmidt Curt and Anu  
c/o Steven M. Banzhaf  
Banzhaf & Lehrfeld  
2135 East Grant Road  
Tuscon, AZ 85719

US Nuclear Regulatory  
Commission  
License Fee & Account Rec  
Branch  
PO Box 954514  
St. Louis, MO 63195

John M. Devaney  
13 Washington Drive  
Cranbury, NJ 08512

Catherine Weaver  
13 Arabian Place  
Columbine Vally, CO 80123

Shaw Pittman Potts &  
Trowbridge  
Attn: Tony Thompson  
2300 North Street, NW  
Washington, DC 20037

Harding Lawson Associates  
2400 Arco Tower  
707 17th Street  
Denver, CO 80202

Freeborn & Peters  
Attn: Dave Byassee  
950 17th Street  
Suite 260  
Denver, CO 80202

J&H Marsh & McLennan  
PO Box 70979  
Chicago, IL 60673

Douglas R. Cook  
Cook Ventures Inc.  
2485 Greensboro Drive  
Reno, NV 89509

Coudert Brothers  
Attn: Jeff Cohen  
1114 Avenue of the Americas  
New York, NY 10036

Perkins Coie  
Attn: Christopher  
1201 3rd Avenue  
40th Floor  
Seattle, WA 98101

Panamerican Mine Services  
Attn: Vernon Smith  
Casilla 10887  
La Paz, Bolivia

IRS - CTOCIT  
MS 5020-DEN  
600 17th Street  
Denver, CO 80202

Industrial Finance Co.  
PO Box 10052  
Engene, OR 97440

## Meeting Summary

**Date/Time of Meeting:** October 1, 1998, 9:30 a.m.

**Location of Meeting:** Two White Flint North  
Room T7A-1

**Attendees:** Attachment

The meeting was held at the request of Atlas Corporation to discuss the effect of its petition for bankruptcy, particularly with respect to reclamation of its Moab facility. On September 22, 1998, Atlas filed with the United States Bankruptcy Court for the District of Colorado a petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. Sections 101 et seq.

Atlas discussed its business plan to improve the company's financial condition. Atlas is in the process of selling a subsidiary, Cornerstone Industrial Minerals Corporation, which produces perlite in Oregon. Atlas intends to further develop its Andacaba Mine in Bolivia, which produces lead, zinc, and silver. Additionally, Atlas intends to complete a third party remediation agreement for the closure and final reclamation of the Moab site.

Atlas discussed how it intends to complete the Moab reclamation. Atlas stated that there have been no changes in its health and safety plan and that the radiological safety officer continues to perform his function at the mill site. Atlas stated that it estimated the cost of completing reclamation at the Moab site as approximately \$19 million. This includes costs to comply with the reasonable and prudent alternatives identified by the U.S. Fish and Wildlife Service in its July 1998 Final Biological Opinion, such as dewatering the tailings and accelerated groundwater cleanup, as well as the cost of the long-term care fund required by Criterion 10 of Appendix A to 10 CFR Part 40. Atlas identified approximately \$22 million of assets that it stated will allow it to complete reclamation using a turnkey contractor. Atlas also stated that the cost of maintaining the site in current condition is approximately \$450,000 to \$500,000 per year.

Atlas identified EMSOURCE, Inc. as the turnkey contractor that it intends to use for the remediation. A spokesman for EMSOURCE discussed how that company operates in remediating contaminated sites. EMSOURCE would assume the responsibility for managing the remediation and the risks, including the risk of increased cost of remediation. EMSOURCE would purchase a remediation stop-loss insurance policy to protect itself from potential cost overruns. However, the agreement between Atlas and EMSOURCE can not be finalized until NRC has completed its review and approved Atlas' proposed reclamation plan.

The participants discussed the schedule for NRC's decision on the reclamation plan. NRC staff stated that it needed the results from an effort to numerically model pile seepage and groundwater contamination before it could complete its Final Environmental Impact Statement and render an agency decision. The results of the modeling are expected by the end of the year and the agency decision by the end of March 1999. Atlas expressed concern that if NRC's decision is not rendered by the time the bankruptcy plan is presented to the Court, the company could be forced to liquidate. NRC staff committed to try to expedite its process to maximum extend possible.

RR/8

<b>United States Bankruptcy Court</b> Colorado District of <u>Denver</u>	<b>PROOF OF CLAIM</b>
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In re (Name of Debtor) <b>Atlas Corporation</b>	Case Number <b>98-23331-dec</b>
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NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" of payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor <i>(The person or entity to whom the debtor owes money or property)</i> <b>Nuclear Regulatory Commission</b>	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check box if you have received any notices from the bankruptcy court in this case.  <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.
Name and Addresses Where Notices Should be Sent <b>Nuclear Regulatory Commission</b> Two White Flint North 11545 Rockville Pike Mail Stop T-9 E10 Rockville, MD 20852 Telephone No. <b>(301) 415-7347</b>	

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:	Check here if this claim: <input type="checkbox"/> replaces a previous claim <input type="checkbox"/> amends a previous claim
--	---

1. BASIS FOR CLAIM:

<input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input checked="" type="checkbox"/> Other (Describe briefly) <b>License for Review</b>	<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 541(c)(2) <input type="checkbox"/> Wages, salaries, and compensations (Fill in your social security number _____ Unpaid compensations for services performed from _____ (date)
--	---

2. DATE DEBT WAS INCURRED: <b>See Attached #1</b>	3. IF COURT JUDGMENT, DATE OBTAINED:
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4. CLASSIFICATION OF CLAIM. Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured nonpriority, (2) Unsecured Priority, (3) Secured. It is possible for part of a claim to be in one category and part in another. CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT OF THE CLAIM.

<input type="checkbox"/> SECURED CLAIM \$ _____ Attach evidence of perfection of security interest Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe briefly) _____  Amount of arrearage and other charges included in secured claim above, if any \$ _____	<input type="checkbox"/> UNSECURED PRIORITY CLAIM \$ _____ Specify the priority of the claim. <input type="checkbox"/> Wages, salaries, or commissions (up to \$2000, earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier)—11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan—U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$900 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use—11 U.S.C. § 507(a)(6) <input type="checkbox"/> Taxes or penalties of governmental units—11 U.S.C. § 507(a)(7) <input type="checkbox"/> Other—11 U.S.C. §§ 507(a)(2), (a)(5)—(Describe briefly) _____
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5. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED: \$ 441,303.72 (Unsecured) \$ \_\_\_\_\_ (Secured) \$ \_\_\_\_\_ (Priority) \$ 441,303.72 (Total)

Check this box if claim includes prepetition charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.

6. CREDITS AND SETOFFS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.

7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.

8. TIME-STAMPED COPY: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

Date <b>10/12/98</b>	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any) <b>James Turdici, Director</b> <b>Division of Accounting and Finance</b> <b>Office of the Chief Financial Officer</b>
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RR/9

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*WRR* *WMS* *WRR*  
**From:** Herbert Berkow  
**To:** Nick Hilton, Paul Goldberg, Suzanne Black  
**Date:** Thu, Oct 14, 1999 10:27 AM  
**Subject:** Publication of 2.206 DDs in the Federal Register

The recently revised MD 8.11 on 2.206 petitions eliminated publication of director's decisions in the Federal Register. Part IV.E. on page 19 specifies that only the notice of availability will be published and an example is given in exhibit 4. This change was made at OGC's request. Notwithstanding the instructions in MD 8.11, some director's decisions have been published in their entirety in the federal register. To preclude this from happening, do not send a copy of the director's decision to the Rules and Directives Branch; send only the federal register notice, per MD8.11, Part IV.F. Please remind the assigned petition managers in your offices of this.

**CC:** David Meyer, Gordon Edison, Jack Goldberg, John...

*RR/10*

