

March 1, 2001

Mr. Ralph Morgenweck
Regional Director
U.S. Fish and Wildlife Service
Post Office Box 25486
Denver Regional Center
Denver, Colorado 80225-0486

SUBJECT: WITHDRAWAL OF BIOLOGICAL OPINION FOR THE ATLAS TAILINGS SITE

Dear Mr. Morgenweck:

I have received your February 8, 2001 letter in which you advised the U.S. Nuclear Regulatory Commission (NRC) that the U.S. Fish and Wildlife Service (FWS) has withdrawn its July 29, 1998 final biological opinion for the reclamation of the former Atlas Corporation's mill tailings site near Moab, Utah. Your letter stated that the incidental take provisions of that biological opinion were also void.

By letter dated February 9, 2001 (copy enclosed), we informed the trustee/licensee, PricewaterhouseCoopers (PWC), of your action. We also advised PWC of its responsibility to continue to carry out measures required to protect public health and safety as well as to protect the environment, as provided in Materials License Number SUA-917 and the regulations in 10 CFR Part 40. These measures include routine monitoring of the air, ground water and the river, inspections of the site and tailings embankment, radiological monitoring and sampling of individuals, areas, and equipment, repairs and maintenance, and the appropriate reporting of those activities. NRC concludes that these activities will not result in adverse impacts to or take of endangered species.

If you have any questions, you can contact me at (301) 415-7212 or Myron Fliegel, NRC's Project Manager for the Moab Mill Site at (301) 415-6629 or mhf1@nrc.gov.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Michael F. Weber, Director
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards

Enclosure: Feb. 9, 2001 letter to K. Eastin
cc: See attached list

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Addressees for Letter Dated: March 1

William Abington, Partner
PricewaterhouseCoopers LLP
1100 Louisiana Street, Suite 4100
Houston, Texas 77002

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

Richard Blubaugh
Atlas Corporation
2323 S. Troy Street
Suite 5-210
Aurora, CO 80014-1900

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

John Darke
Box 603
Moab, Utah 84532-0603

Keith Eastin, Director
Financial Advisory Services
PricewaterhouseCoopers LLP
1100 Louisiana Street, Suite 4100
Houston, Texas 77002

Dale Edwards
Radiation Protection Coordinator
Moab Mill Reclamation Trust
P.O. Box 1207
Moab, Utah 84532

Sarah M. Fields
P.O. Box 143
Moab, Utah 84532-0143

Grand County Administrator
125 East Center
Moab, Utah 84532

Grand County Library
25 South 100 East
Moab, Utah 84532

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

James P. Langley
Project Director
Moab Mill Reclamation Trust
PricewaterhouseCoopers LLP
1100 Louisiana Street, Suite 4100
Houston, Texas 77002

Bart Leavitt
Grand County Council
125 East Center
Moab, Utah 84532

Al McLeod
Grand County Council
125 East Center
Moab, Utah 84532

Henry Maddux
U.S. Fish and Wildlife Service
Lincoln Plaza, Suite 404
145 East 1300 South
Salt Lake City, Utah 84115

Dave Mathes
EM-45
U.S. Department of Energy
19901 Germantown Road
Cloverleaf Building
Germantown, MD 20874-1290

Harvey Merrill
925 South Rowena Court
Moab, Utah 84532

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

Ralph Morganweck
Regional Director
U.S. Fish and Wildlife Service
Post Office Box 25486
Denver Regional Center
Denver, Colorado 80225-0486

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

Dianne Nielson
Executive Director
Department of Environmental Quality
State of Utah
168 North 1950 West
Salt Lake City, Utah 84114-4810

Ray Plieness
U.S. Department of Energy
Grand Junction Office
2597 B $\frac{3}{4}$ Road
Grand Junction, Colorado 81503

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

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

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

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