



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY OSP
OFFICE OF THE EXECUTIVE DIRECTOR

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Michael O. Leavitt
Governor

Dianne R. Nielson, Ph.D.
Executive Director

Brent C. Bradford
Deputy Director

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April 12, 2001

Mr. James Fiore
Deputy Assistant Secretary for Site Closure
U.S. Department of Energy
1000 Independence Avenue, SW
EM-30
Washington, DC 20585

SUBJECT: DISPERSAL OF TITLE X FUNDS TO THE MOAB MILL RECLAMATION TRUST.

Dear Mr. Fiore:

This is to request that you delay dispersal of funds, under Title X of the Energy Policy Act of 1992 to the Moab Mill Reclamation Trust (Trust). The Trust holds U.S. Nuclear Regulatory Commission (NRC) Materials License No. SUA-917 as the successor to Atlas Corporation and is entitled to reimbursement for costs of reclamation of its uranium mill tailings under Title X. NRC and the State of Utah are the beneficiaries of the Trust. We understand that you are preparing to disperse the annual Title X reimbursement to the Trust shortly and we request that you delay that dispersal pending resolution of certain issues we have with the trustee, Mr. William Abington, a partner in PricewaterhouseCoopers LLP.

By letter dated March 30, 2001, NRC identified activities that it requested the trustee to perform at the site. The trustee has not yet agreed to perform those activities. The trustee had expressed concern about performing those activities because of potential liability under the Endangered Species Act. The trustee has been in discussion with officials at the U.S. Department of the Interior to resolve those concerns but has not yet reached resolution. We will notify you when we believe it is appropriate to disperse the Title X payment to the Trust.

STP-006 *Amplate*
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Mr. James Fiore

April 12, 2001

Page 2

If you have any questions regarding this request, please contact Bill Sinclair at the Utah Division of Radiation Control at (801) 536-4255. Thank you for your cooperation in this matter.

Best Regards,

A handwritten signature in black ink that reads "Dianne R. Nielson". The signature is written in a cursive, flowing style.

Dianne R. Nielson, Ph.D.

Executive Director

DRN/LBM:lm

cc: Dave Mathes, DOE-Headquarters
Robert C. Pierson, NRC-Washington, D.C.
Paul Lohaus, NRC-Washington, D.C.
Mike Fliegel, NRC-Washington, D.C.
Bill Sinclair, DRC
Loren Morton, DRC
Ray Plienness, DOE-GJPO
Bill Abington, Pricewaterhouse Coopers
Jim Langley, Pricewaterhouse Coopers

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File: Atlas Tailings, Moab Mill Reclamation Trust