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**U.S. Department of Energy**

Grand Junction Office  
2597 B<sup>3</sup>/<sub>4</sub> Road  
Grand Junction, CO 81503

**AUG 30 2001**

Mr. Ralph Morganweck  
Regional Director  
U.S. Fish & Wildlife Service  
P. O. Box 25486  
Denver Regional Center  
Denver, Colorado 80225-0486

Subject: Department of Energy Request for Determination on FY 2001–2002 Activities at the Moab Mill Site

Dear Mr. Morganweck:

Under the Floyd D. Spence National Defense Authorization Act for FY 2001 (the Act), the U.S. Nuclear Regulatory Commission must terminate the license of its trustee for the Moab mill site by October 30, 2001. The Act further states that the DOE will effect the transfer of the mill site from the trustee to the DOE. Both activities are on schedule to be completed no later than October 30, 2001. Coincident with your withdrawal of the existing biological opinion for remediation activities associated with the mill site on February 8, 2001, you determined that certain Moab site activities would have no adverse effect upon endangered species on or adjacent to the site and could be performed. These tasks included activities that contributed to the continued protection of the public and activities that furthered site reclamation and enhanced the environment. As soon as DOE acquires the Moab mill site, we plan to perform similar activities during the time remaining in FY 2001 and in FY 2002. Attachment 1 identifies these specific activities. The DOE believes that none of the activities would have an adverse impact on, or take of, endangered species or would cause adverse modification of critical habitat. The DOE feels that any necessary use of water from one of its acquired Colorado River water rights would be less than that approved for the trustee's transition activities (up to 60 acre-feet). Any water use would be within the amount allowed by the U.S. Fish & Wildlife's "Biological Opinion for Elimination of Fees for Water Depletions of 100 Acre-Feet or Less from the Upper Colorado River Basin (May 2, 2000)," and we request approval for use of up to 60 acre-feet.

The DOE has now been appropriated funding for the Moab project. As agreed to by Henry Maddux of your Salt Lake Office via telephone on August 21, 2001, the activities identified under Task I are considered to have no adverse impact on endangered species and habitat. In addition, DOE asks that you consider concurrence on the activities identified under Task II. The DOE feels these tasks have no adverse impact on the endangered species in the area or on their habitat and are critical to our completion of characterization work on the mill site.

NMSSOI Public

Mr. Ralph Morganweck

-2-

AUG 30 2001

The DOE will be requesting informal consultation prior to proceeding with activities that would cause some tamarisk destruction or that are involved with implementation of an interim ground water action. This latter task would serve as an interim measure to minimize impacts to endangered aquatic species in the Colorado River while the NEPA process and other site-related activities are being performed, prior to the final remedial action. It is our hope that, under informal consultation, determinations can be made on several specific small tasks as DOE proceeds with the larger remediation of the mill site. We look forward to working with your staff to achieve our mutual goals of safely remediating the mill site while assuring minimal impact to protected species and their habitat.

This letter specifically requests a determination be made regarding the activities in Attachment 1. If activities significantly change, we will bring them to your attention. We are happy to provide more details, conduct a site visit, and answer any questions you may have. Feel free to contact me at 970-248-6001 or Tracy Plessinger of my staff at 970-248-6197 for assistance.

Sincerely,



Donna Bergman-Tabbert  
Manager

Enclosures

cc w/enclosures:

M. Fliegel, NRC

H. Maddux, Utah Field Supervisor

L. Morten, State of Utah

T. Plessinger, GJO

R. Plieness, GJO

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## ATTACHMENT 1

### DOE Planned Activities through FY2002 at the Moab Mill Site

Task I. Operation and Maintenance of the Mill Site to Assure Public Health and Safety (Actions verbally agreed to by USF&WS)

A. Erosion Mitigation Efforts

1. Top Slope Dust Control/Operation of Dewatering Systems

--Maintain and operate the sump/pipe water dispersion system in the drainage-water collection area on top of the pile. Construction of an evaporation pond on top of the tailings pile may be necessary.

2. West Drainage Ditch

Provide erosion control/siltation control in the form of riprap and/or hay bales/silt fences where necessary

B. Maintain and operate wick dewatering system

C. Maintain existing storm water drainage system

D. Erect radiological/air monitoring stations

It is possible that a monitoring station(s) may need to be located in the tamarisk area. If so, these monitoring stations would be erected with minimal impact to trees

E. General mill site maintenance/infrastructure repairs as needed

Task II. Characterization of Tailings Pile and Groundwater in Support of Remediation Activities (Actions that DOE requests consideration of USF&WS concurrence)

A. Determine "clean" vs. "radiologically contaminated" areas of the mill site

In areas of the mill site where existing data is not adequate, samples will be taken to determine the extent of contamination and to delineate clean areas for radiological protection purposes. This task is critical to controlling radiological exposure to on-site workers and to nearby residents. Much sampling will be performed in areas of the mill site that are disturbed. Sampling in the tamarisk areas will be done by hand, without impact to the vegetation. Any sampling that would cause an impact to habitat or endangered species in the tamarisk would be considered as part of the informal consultation process.

B. Placement of additional monitoring/groundwater collection wells and instrumentation

As part of groundwater characterization, additional wells may be installed on the mill site. Any wells drilled would be in previously disturbed areas of the mill site. If wells are needed in the tamarisk area, this work would be considered in the informal consultation process. (Sampling of existing ground water wells will occur as an ongoing activity.)

C. Establish a survey grid system

Some permanent monuments will be placed on site in areas of previous disturbance for future reference. Any markers needed that would be placed in the tamarisk area will be addressed under informal consultation.