



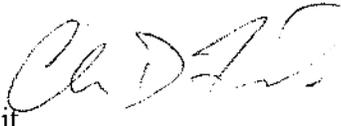
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
IDAHO OPERATIONS OFFICE
1435 N. Orchard St.
Boise, Idaho 83706

August 9, 2007

ACTION MEMORANDUM

SUBJECT: Request for Approval of Time-Critical Removal Action – Salmon River Uranium Development Site, North Fork, Idaho

FROM: Greg Weigel
On-Scene Coordinator

THRU: Chris D. Field, Manager
Emergency Response Unit 

TO: Daniel D. Opalski, Director
Office of Environmental Cleanup

SSID: 10DX

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of a proposed time-critical removal action described herein for the Salmon River Uranium Development site (Site), Lemhi County, Idaho. This proposed removal action is to remove and dispose of hazardous chemical and radiological contaminants at the site that may pose an imminent and substantial endangerment to public health or welfare, or the environment. The proposed removal action will not address fixed radiological contamination on building surfaces at the Site that pose a lesser risk.

II. SITE CONDITIONS AND BACKGROUND

The CERCLIS ID # for the Site is IDN001002662. This Action Memorandum is for a proposed time-critical removal action.

A. Site Description

1. Site location

The Site is located adjacent to Forest Service Road 030, approximately 5 miles west of North Fork and State Highway 93, in Lemhi County, Idaho. The Site property is approximately 21 acres located in Section 26, Township 24 North, Range 20 East, on the north side of the Salmon River. The precise location is 45° 22' 46" North Latitude; 14° 04' 58" West Longitude. The Site is on private property surrounded by land managed by

the U.S. Forest Service. The nearest residents are located five miles east of the Site in North Fork. The primary land use is recreational, as the Site is located adjacent to the Salmon River within the Salmon River National Wild and Scenic River system.

2. Site characteristics

The Site includes a former ore processing building built in 1958 and concrete pads of former out-buildings, located on a leveled area up a steep slope from the Salmon River. The former processing building is accessed via a private, gated and locked access road from Forest Service Road 030. The building is approximately 2,500 square feet in size with a poured concrete floor. The building is open, as much of the exterior siding has been removed. Various waste piles, including piles of processed and unprocessed ore, are located inside the building and surround the building. Outside of the building to the west are two large compartmented rectangular box tanks (6,800 gallon capacity each). Down-gradient of the ore processing area are two dry former tailings ponds. Berms created for the tailings ponds block the natural drainage path to the Salmon River.

The Site is located at approximately 4,000 feet elevation. Annual precipitation is approximately 14 inches. The Site typically has snow cover of one foot or less from December through March.

3. Site history

In March 1958, Salmon River Uranium Development, Inc. (SRUD) purchased the Site property. By letter dated October 6, 1958, SRUD applied for a U.S Atomic Energy Commission (AEC) license to chemically process source material from the Sunnyside Claims at North Fork, Idaho. During the period of October 1958 to October 1959, SRUD operated under two licenses issued by the AEC. The first license entitled SRUD to transfer, deliver, possess and have title to raw source material from the Sunnyside Claims at North Fork, Idaho. The second license authorized SRUD to process raw source material from the Agency Creek Thorium Corporation of Salmon, Idaho. All of the activities were to take place at the SRUD facility. The licenses expired in 1959 and SRUD ceased activities at the Site.

The Site property was owned by James V. Joyce from 1969 until 1978, when it was sold to the National Nuclear Reserves Corporation, of which Mr. Joyce was president.

In 1992, the property was sold to Antonia Baird, and later transferred to Antonia and Orval Baird. Mr. Baird had previously worked for the Joyce Corporation. In 1998 or 1999, Mr. Baird conducted processing of several batches of thorium ore at the Site. The Bairs are the current property owners.

4. Removal site evaluation

In a letter dated December 6, 2005, the U.S. Nuclear Regulatory Commission (NRC) requested EPA assistance to clean up radiological and hazardous materials contamination at the Site. The NRC stated that the property owner lacked the technical and financial resources to clean up the Site, which was a former NRC licensee and under the purview of NRC's regulatory requirements for cleanup of radiological contamination. The NRC stated that results of a radiological scoping survey conducted in October 2003 showed that the property does not meet the unrestricted release criteria in 10 CFR Part 20 for radiologically contaminated NRC licensed sites. The NRC stated during subsequent discussions that they do not have a financial program to clean up licensed sites, but typically address necessary cleanup through regulatory action with the site owner or operator.

The EPA OSC and EPA START contractor conducted a sampling site visit on June 5 through 7, 2006. The removal assessment included field screening for gamma radiation at areas considered potential contamination sources inside and around the former processing building. Additionally, areas and waste piles were screened for metals concentrations using a hand-held x-ray fluorescence instrument. Samples for laboratory analysis were collected at potential contamination sources based on the field screening. A Removal Assessment Report dated April 13, 2007 provided information that heavy metals concentrations in waste areas at the Site are as high as 116,000 mg/Kg for arsenic. Lead concentrations are as high as 48,600 mg/Kg, and copper as high as 178,000 mg/Kg. Additionally, uranium and thorium processed and unprocessed ore piles show elevated gamma radiation levels up to approximately 1,000 μ R/Hr. Other observations at the Site included various small containers of unknown liquids and solids, and the two large box tanks marked "Corrosives," which contained several compartments and numerous places where compartments had corroded through and lost their contents to the surrounding soils.

5. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

Heavy metals and radionuclides present at the Site at elevated concentrations are hazardous substances as defined by sections 101(14) and 101(33) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. §§9601(14) and (33). Waste areas at the Site, inside and outside of the former processing building, contain elevated concentrations of hazardous substances, including arsenic, lead, copper, and processed and unprocessed ores containing elevated radionuclides, which have released and/or present a threat of release to the environment. Additionally, material from two 6,800 gallon compartmentalized tanks has leaked onto the ground. Specific contents of the tanks is unknown, but is reported to include spent sulfuric acid. TCLP analysis conducted by the Idaho Department of Environmental Quality (IDEQ) of material released to the soil from one of the tanks showed chromium

in TCLP leachate to be at 5.5 ppm, above the RCRA regulatory threshold for hazardous waste.

6. NPL status

This is not a National Priorities List (NPL) site. No remedial activities are in progress or anticipated at this time.

B. Other Actions to Date

In 1996, IDEQ conducted a site evaluation to identify hazardous wastes at the Site. IDEQ determined that wastes in containers of the two large box tanks labeled "Corrosives," which were characterized by the property owner as containing spent sulfuric acid, were likely Bevill exempt from RCRA, as they had been generated from the extraction of ores. IDEQ took no further action with regards to these tanks, but worked with the property owner and chemical suppliers to remove some other product chemicals at the Site.

In 2003, the NRC conducted a radiological scoping survey of the Site, and identified radiological contamination at the Site, including fixed radiological contamination in two site structures; loose contaminated soil in the two structures; and contaminated soils around the mill site associated with processed source material, byproduct material and natural ores. The NRC determined that the Site would require remediation in order to comply with the decommissioning requirements in Subpart E of 10 CFR Part 20 for unrestricted release.

In Spring 2007, IDEQ worked with the property owner to remove an un-registered 3,000 gallon underground diesel storage tank at the Site. Soil samples taken after the tank removal confirmed that diesel contamination was not present in surrounding soils.

C. State and Local Authorities' Roles

The Site is on private patented lands surrounded by the Salmon/Challis National Forest. IDEQ has determined that the Site presents a substantial threat to human health and the environment. Neither IDEQ nor Lemhi County has the ability to conduct the necessary cleanup. IDEQ has requested that EPA conduct a cleanup at the Site (letter dated May 21, 2007, attached). IDEQ has worked with the property owner to address certain regulatory issues within its purview, and remove certain chemical hazards at the Site.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Conditions at this site meet the criteria for a time-critical removal action as stated in the National Contingency Plan (NCP), 40 CFR Section 300.415, as follows:

A. Threats to Public Health or Welfare

1. Actual or potential exposure to hazardous substances or pollutants or contaminants by nearby populations or the food chain (300.415(b)(2)(i)). While the Site is located on a private road behind a locked gate which is marked "no trespassing," it is otherwise unfenced and easily accessible to the public from the adjacent public road and from the Salmon River. The adjacent public lands are part of the Salmon River National Wild and Scenic River system and are frequently used by river boaters, hunters and tourists. The property owner, Orville Baird, stated in conversation with the OSC that he frequently finds evidence of trespass on the Site when he visits the property. Recreational site users could be exposed to hazardous substances, including high levels of arsenic, lead and copper in soils and waste piles; spent sulfuric acid spilled onto the ground from the corroded tanks; and radionuclides from processed and un-processed thorium and uranium ore at the Site.

Concentrations of arsenic at the Site, in particular, pose a risk of causing acute health effects if ingested or inhaled. Exposure to arsenic at levels found at the Site can cause nausea and vomiting, decreased production of red and white blood cells, abnormal heart rhythm, and damage to blood vessels. Additionally, the ingestion of inorganic arsenic can increase the risk of skin cancer and cancer in the lungs, bladder, liver, kidney and prostate. Inhalation of inorganic arsenic can cause increase risk of lung cancer.

Exposure to high lead levels can severely damage the brain and kidneys in adults or children. In pregnant women, high levels of exposure to lead may cause miscarriage. High-level exposure in men can damage the organs responsible for sperm production.

Breathing high levels of copper can cause irritation of your nose and throat. Ingesting high levels of copper can cause nausea, vomiting, and diarrhea. Very-high doses of copper can cause damage to your liver and kidneys.

Thorium and Uranium processed and unprocessed ore piles at the Site pose a risk from external radiation exposure. Direct gamma radiation at the Site from these piles exceeds a 10^{-6} cancer risk based on a recreational use exposure scenario.

2. High levels of hazardous substances or pollutants in soils largely at or near the surface that may migrate (300.415(b)(2)(iv)). Heavy metals concentrations in waste piles at the Site are as high as 116,000 mg/Kg for arsenic, 48,600 mg/Kg for lead, and 178,000 mg/Kg for copper. Uranium and thorium processed and unprocessed ore piles show elevated gamma radiation levels, up to 1,000 μ R/Hr. Waste and ore piles are inside of the

open-sided former mill building, and outside of the building where they may migrate downward in soils or down gradient towards the Salmon River through rainfall, snowmelt, or other normal erosion mechanisms. Additionally, material characterized by the property owner as spent sulfuric acid has corroded through a large tank at the site and spilled to surrounding soils. TCLP analysis of the spilled material fails for chromium (5.5 ppm). This material, if not cleaned up, may also migrate vertically and laterally through soils.

3. The availability of other appropriate Federal or State response mechanisms to respond to the release (300.415(b)(2)(vii)). There are no other appropriate Federal or State response mechanisms that have the authorities and/or resources to respond to this release. The NRC has regulatory authority for radiological contamination at the Site because of licenses issued by the U.S. Atomic Energy Commission (predecessor to the NRC) in 1959, which allowed the former site operator to possess and process radiological source material at the Site. The NRC has told EPA, however, that they do not have a financial program for cleanup of licensed or formerly licensed sites, and furthermore, that the current property owner lacks the resources for conducting necessary cleanup under their regulatory authority. They have requested EPA assistance in cleaning up radiological contamination at the Site (attached letter dated December 6, 2006).

Additionally, IDEQ has requested EPA assistance in addressing hazards posed by mining wastes at the Site, and that certain wastes have not been addressed by IDEQ due to their Bevill exemption from RCRA. IDEQ also states that, to their knowledge, the current property owner is incapable of funding the cleanup needed to protect public health and the environment (attached letter dated May 21, 2007).

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site may present an imminent and substantial endangerment to public health or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Action

1. Proposed Action Description

The proposed removal action is to excavate and remove for proper disposal contaminated soils, waste and ore piles that contain elevated concentrations of hazardous metals or radionuclides above the cleanup goal. Additionally, the proposed removal action will fully characterize contents of 2 large compartmentalized box tanks and remove hazardous contents and spilled hazardous material and contaminated soils for disposal. Specifically, the proposed removal action will remove waste and contaminated soils from the following areas:

- Spent processed ore pile inside former processing building – approximately 14 cubic yards of material with high arsenic concentration.
- Approximately 2 cubic yards of sandy material inside former processing building with high lead concentrations.
- Characterize and remove, if determined to be hazardous, numerous small containers inside former processing building with unknown contents.
- Potential thorium processed ore pile just off concrete pad near east corner of former processing building, with elevated gamma readings. Exact volume is unknown because it is spread to surrounding soils, but estimated at 10 cubic yards.
- Potential uranium processed ore pile off of north corner of building, with elevated direct radiation. Approximately 2 cubic yards.
- Waste piles and soils along northwest side of building, with elevated direct radiation and high arsenic concentrations. Approximately 15 cubic yards.
- Thorium waste pile west of building with elevated direct radiation. Approximately 15 cubic yards.
- Thorium ore piles further west along cut bank with elevated direct radiation. Approximately 50 cubic yards.
- Upper tailings pond – sandy area with high arsenic concentration in soils. The sandy area is approximately 25 feet by 100 feet in area. The area with high arsenic concentration appears to be from surficial deposit of some material. Visual observation indicates that the material does not extend below surface elevation, however samples were not collected at depth to confirm this.
- Large box tanks. Characterize remaining contents of two compartmentalized tanks (6,800 gallon capacity each). Remove remaining hazardous contents. Excavate visually contaminated soils where contents have spilled from tanks.

Waste piles and other contaminated areas identified above are largely visually evident and initial excavation or removal will be done based on visual observation. A hand-held x-ray fluorescence monitor will be used for cleanup confirmation screening of areas excavated for metals contamination (lead & arsenic). The cleanup goal will be EPA Region 6 Human Health Soil Screening Levels for industrial outdoor workers which is 280 ppm for arsenic (non-cancer endpoint), and 800 ppm for lead. Cleanup confirmation screening for areas where material is removed or excavated because of elevated gamma radiation will be done using a Ludlum 192 micro-R meter. Emphasis will be placed on waste and/or piles with the highest radiation levels (>120 $\mu\text{R}/\text{Hr}$). Removing these piles is anticipated to reduce overall radiation levels so that the recreational use scenario exposure does not exceed 15 mrem/year.

2. Contribution to remedial performance

The proposed removal action will address the most significant threats at the Site from chemical and radiological contaminants. It is anticipated that fixed radiological contamination of mill building surfaces at the Site will not be addressed by this removal action. The fixed

contamination levels are minor risks by comparison and would require a significant effort to remove; either by scabbling the concrete floor to an unknown depth, or removal of the floor and building. The proposed removal action will appropriately address risks at the Site considering a recreational property use scenario, which is the most reasonable future anticipated land use at the Site. At a minimum, the proposed removal action will not preclude the possibility of additional work being done in the future to address fixed radiological contamination of mill building surfaces.

3. Description of alternative technologies

There are no viable alternative technologies that have been identified for the Site. Excavation and removal for disposal of relatively small areas of contamination is a standard technology for mining sites with discrete areas of contamination from processed and un-processed ores.

4. Engineering Evaluation/Cost Analysis (EE/CA)

This proposed action is for time-critical removal action, and an EE/CA therefore is not required.

5. Applicable or relevant and appropriate requirements (ARARs)

The NCP requires that removal actions attain ARARs under federal or state environmental or facility siting laws to the extent practicable, considering the exigencies of the situation. The proposed removal action will attain or exceed ARARs to the extent practicable. Below is a summary of potential ARARs that have been identified or otherwise considered for this project:

- Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. §§ 6901 *et seq.*, and its implementing regulations codified in Parts 260 through 265, and 268 of the Code of Federal Regulations (CFR). The proposed removal action will involve the excavation, staging, off-site shipping and disposal of RCRA hazardous wastes. The following specific requirements have been identified at this time as ARARs:
 - 1) 40 CFR §§ 261.10 and 261.24, relating to characteristics of hazardous wastes including the toxicity characteristic;
 - 2) 40 CFR § 262.11, relating to hazardous waste determinations;
 - 3) 40 CFR § 265.17, relating to management of ignitable, reactive, or incompatible wastes;
 - 4) 40 CFR §§ 262.20, 262.21, 262.22, 262.23, 262.30, 262.31, 262.32 and 262.34, relating to hazardous waste accumulation, manifesting and labeling requirements prior to transportation of hazardous waste off-site;
 - 5) 40 CFR §§ 263.20 and 263.21, relating to off-site transport of hazardous waste (handling and manifesting requirements);
 - 6) 40 CFR Part 268, relating to off-site and on-site land disposal restrictions for hazardous wastes and hazardous debris; 40 CFR § 300.440, relating to the CERCLA "Off-Site Rule."

- Idaho Rules for Control of Fugitive Dust, IDAPA 58.01.01.650. These regulations are applicable to soil removal operations which may generate fugitive emissions. They require that reasonable precautions be taken to prevent particulate matter from becoming airborne, including using water or chemicals to control dust, covering trucks for transporting materials, and promptly removing excavated materials.
- Clean Water Act Storm Water Multi-Sector General Permit for Industrial Activities, 40 CFR 122.26. These regulations apply to discharges of storm water associated with “industrial activities,” which include inactive mining facilities and hazardous waste landfills. The substantive requirements of the Storm Water Multi-Sector General Permit for Industrial Activities (Oct. 30, 2000) apply to elements of the removal action that may result in discharges of storm water to surface waters including the adjacent Salmon River. Best Management Practices (BMPs) must be used, and appropriate monitoring performed, to ensure that storm water runoff does not exceed state water quality standards.
- National Historic Preservation Act, Section 106, 16 U.S.C. 470f. The National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties. The State Historic Preservation Officer (SHPO) advises and assists Federal agencies in carrying out their section 106 responsibilities and cooperates with such agencies, to ensure that historic properties are taken into consideration. Historic sites or structures are those included on or eligible for the National Register of Historic Places, generally older than 50 years. Given the reported start of mining activity at the Site in 1958, it may be that no properties at the Site are 50 years or older and so eligible for the National Register. In any event, the OSC will coordinate with the SHPO regarding whether the proposed removal action may have any impacts to cultural resources at the Site. It is not expected that proposed removal activities will impact any cultural resources at the Site.
- Endangered Species Act, Section 7. Section 7 of the Act requires Federal agencies to assure that their actions are not likely to jeopardize the continued existence of endangered or threatened species. If the propose action may affect a listed species, consultation with the Trustee Agency is required. It is not anticipated that the proposed action is likely to jeopardize a listed species. The OSC will, however, coordinate with the U.S. Fish and Wildlife Service to obtain a list of endangered, threatened, proposed, and/or candidate species which may be present in the area, and to ensure that the proposed project will not likely jeopardize a listed species.
- Migratory Bird Treaty Act (MBTA), 16 USC 703 et seq. The MBTA makes it unlawful to “hunt, take, capture, kill” or take various other actions adversely affecting a broad range of migratory birds, including tundra swans, hawks, falcons, songbirds, without prior approval by the U.S. Fish and Wildlife Service. (See 50 CFR 10.13 for the list of birds protected under the MBTA.). The mortality of migratory birds due to building demolition or

construction activities is not a permitted take under the MBTA. The MBTA and its implementing regulations are relevant and appropriate for protecting migratory bird species identified within the Site. The selected removal action will be carried out in a manner that avoids the taking or killing of protected migratory bird species, including individual birds or their nests or eggs.

- U.S. Department of Transportation, 49 CFR Parts 171-180, relating to transportation of hazardous materials to off-site disposal facilities.
- Health and Environmental Standards for Uranium and Thorium Mill Tailings, 40 C.F.R. Part 192. Provides standards for cleanup of land and buildings contaminated with residual radioactive materials from inactive uranium processing sites. These potential ARARs are based on residential or industrial use and are not appropriate to the assumed land use at the Site. Cleanup goals for the proposed removal action will consider a recreational use exposure scenario.

6. Project Schedule

It is expected that project implementation will begin in September, 2007, and will take approximately 2 weeks to complete.

B. Estimated Costs

The estimated EPA Extramural costs to complete the proposed project are itemized below:

<u>Extramural Contractor Costs:</u>		
Cleanup Contractor Costs (ERRS)		\$ 200,000
START Contractor Costs		\$ 30,000
Extramural Costs Contingency	(20% Contractor Costs)	\$ 46,000
Total, Extramural Costs		\$ 276,000
<u>Requested Removal Project Ceiling</u>		\$ 276,000

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If the proposed removal action is not implemented, high concentrations of hazardous metals, including arsenic and lead, and elevated direct radiation from uranium and thorium processed and un-processed ores, would continue to exist at the Site and pose a risk of exposure to recreational site users and trespassers. If not addressed, this contamination also poses a risk of migration vertically through soils and laterally towards the nearby Salmon River.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

EPA has conducted a preliminary potentially responsible party search for the Site. See the attached "Confidential Enforcement Addendum" for enforcement details.

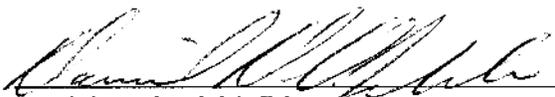
IX. RECOMMENDATION

This decision document represents the selected removal action for the Salmon River Uranium Development Site, Lemhi County Idaho, developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at this site meet the NCP section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed removal action. The total EPA extramural project ceiling, if approved, will be \$276,000.

X. APPROVAL / DISAPPROVAL

APPROVAL:



Daniel D. Opalski, Director
Office of Environmental Cleanup

8/9/2007
Date

DISAPPROVAL:

Daniel D. Opalski, Director
Office of Environmental Cleanup

Date

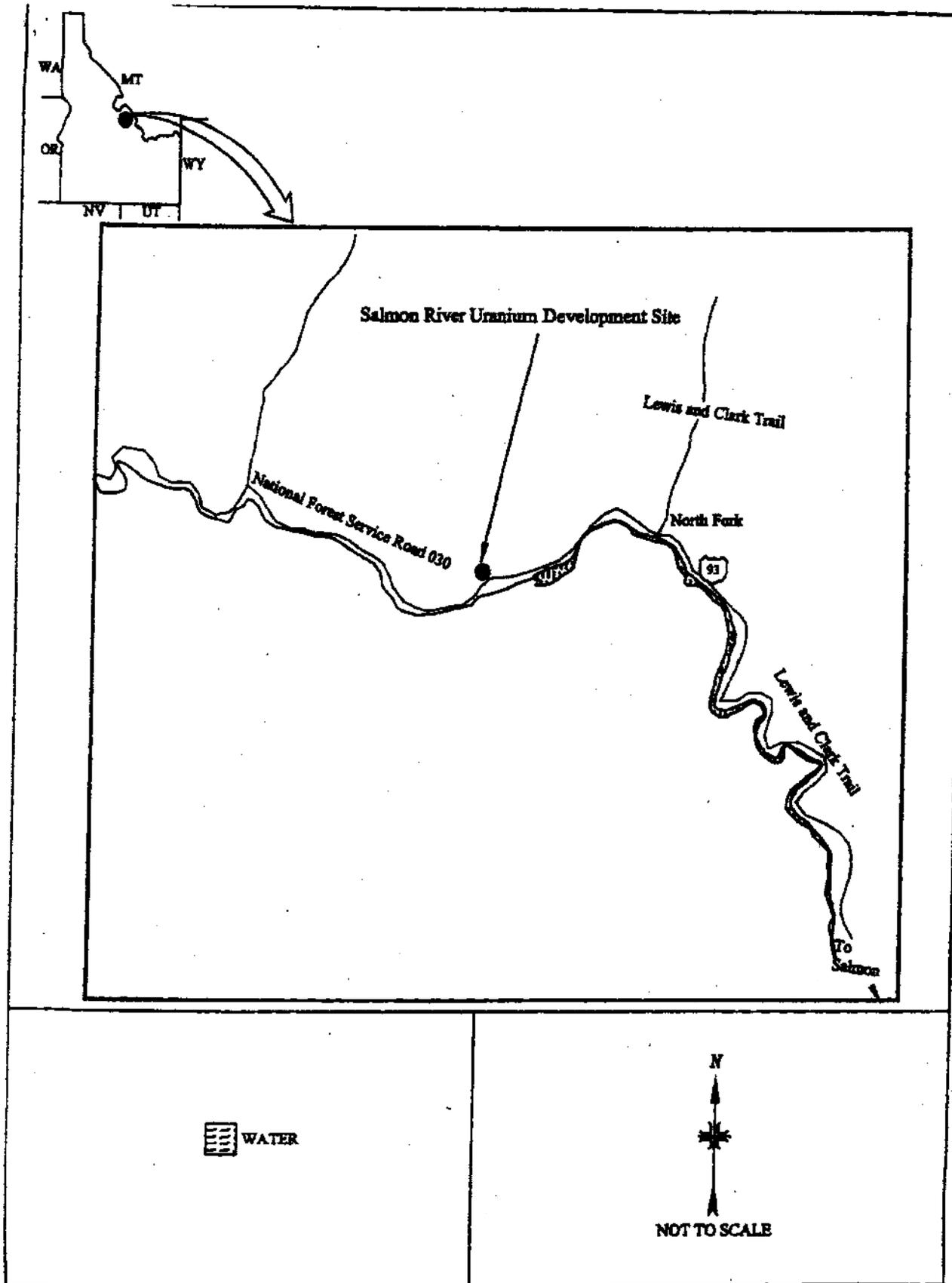


FIGURE 1: Location of the Salmon River Uranium Development Site, North Fork, Idaho

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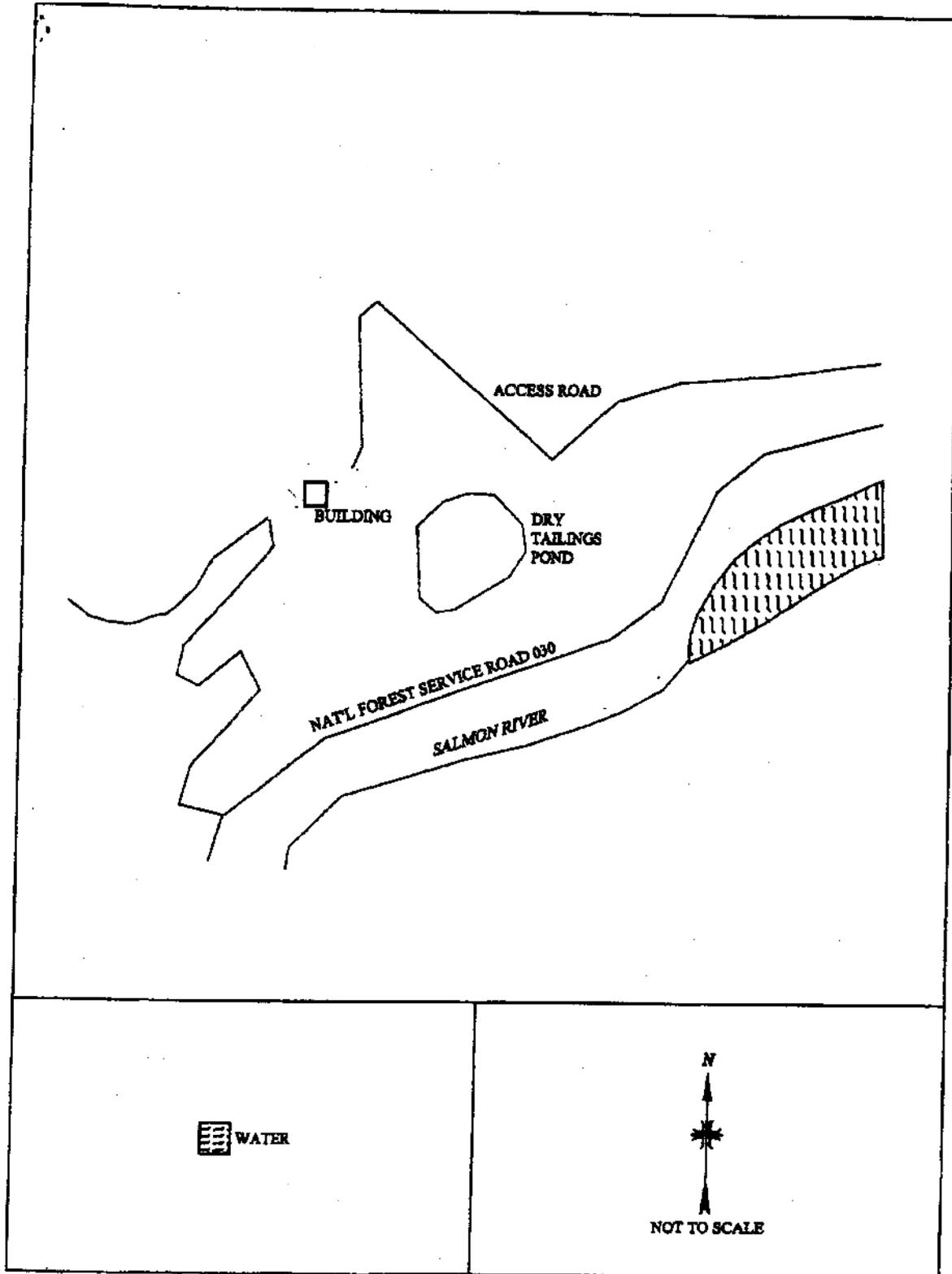


FIGURE 2: Salmon River Uranium Development Site - Overview



Figure 3



0 62.5 125 250 Meters



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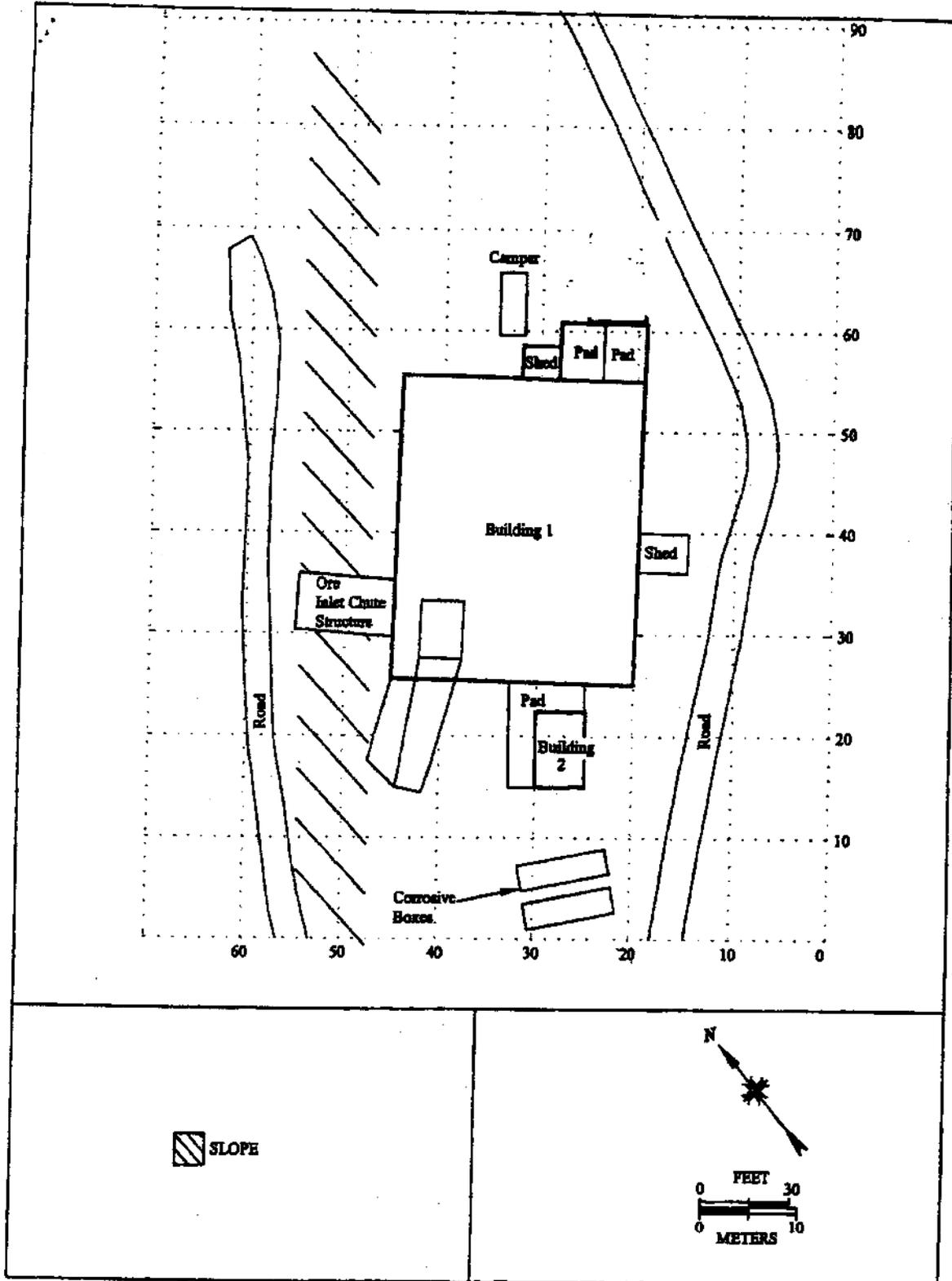


FIGURE 4: Exterior Area - Plot Plan



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 6, 2005

Mr. Greg Weigel
On-Scene Coordinator
U.S. Environmental Protection Agency-Region 10
Idaho Operations Office
1435 North Orchard Street
Boise, ID 83706

SUBJECT: REQUEST FOR ASSISTANCE TO SUPPORT REMEDIATION OF A
CONTAMINATED PROPERTY IN NORTH FORK, IDAHO

Dear Mr. Weigel:

The U.S. Nuclear Regulatory Commission (NRC) is requesting assistance from the U.S. Environmental Protection Agency (EPA) to facilitate remediation of a property with radiological and hazardous material contamination in the State of Idaho.

The NRC is working with the State of Idaho and U.S. Department of Agriculture Forest Service on the decommissioning of the former Salmon River Uranium Development, Inc. (SRUD) mill site located near North Fork, Idaho. The property is located in Section 26, Township 24 North, Range 20 East, on the north side of the Salmon River. The mill consists of one main building and two adjacent buildings. The site's exterior property has two above-ground corrosive material storage tanks, two dilapidated camper trailers, an ore inlet chute structure, and a 0.8-acre dry tailings pond.

Based on previous site visits and historical information, the site currently has radiological contamination levels that would not meet the criteria for unrestricted release in 10 CFR Part 20, Subpart E. Radiological contamination is located inside the buildings and in the dry tailings pond, and is believed to extend to an area of 2 acres around the mill. The current owner of the property has conducted some hazardous waste remediation since 1996. Based on visual observation, the remaining hazardous material on the property includes two corroded sulphuric acid tanks, one underground diesel tank, and several small, empty plastic and glass acid containers.

The NRC and its contractor, Oak Ridge Institute for Science and Education, conducted a scoping survey at the property in October 2003. A copy of this scoping survey is attached. This survey does not represent a full radiological characterization of the property, which is necessary to determine the actual contamination levels and the amount of waste that was generated during the decommissioning project. I also have attached a copy of a site evaluation conducted by Mr. Robert Higdem of Idaho's Division of Environmental Quality during August, 1996.

Currently, the site is owned by private citizens who do not have the necessary technical and financial resources to remediate the facility and ensure compliance with the regulatory requirements in 10 CFR Part 20, Subpart E. After NRC consultation with the State of Idaho's Department of Environmental Quality, they have informed me they do not have funding

G. Weigel

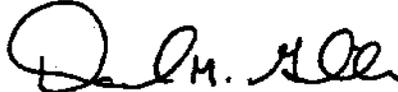
- 2 -

programs available for remediation of the SRUD site. Therefore, NRC requests EPA assistance in order to obtain adequate funding to support cleanup of the property. In addition, coordination with EPA is requested because the site contains hazardous waste that does not fall under NRC's purview. This financial support is necessary to remediate the SRUD site in a timely manner and ensure compliance with NRC's regulatory requirements. NRC will provide EPA the necessary support to ensure the SRUD site is remediated.

Please note that the attached documents are considered sensitive information and are not available for public inspection. Therefore, please do not distribute these documents to any person outside your office.

If you have any questions regarding this letter, the SRUD mill site, or if you need additional information (including coordinating a site visit), please feel free to call Rafael Rodriguez, Project Manager, at (301) 415-0193.

Sincerely,



Daniel M. Gillen, Deputy Director
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 040-03400

License Nos.: R-0230 (expired), P-4001 (expired)

Enclosures:

1. Radiological Scoping Survey of the Salmon River Uranium Development, Inc. Processing Mill, North Fork, Idaho.
2. August 14, 15, 18, 1998 Site Evaluation by Idaho's Division of Environmental Quality.

cc: See Distribution



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY



1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502

C.L. "Blutch" Otter, Governor
Toni Hardesty, Director

May 21, 2007

Jim Wertz, Director
Idaho Operations Office
U.S. Environmental Protection Agency, Region 10
1435 North Orchard
Boise, Idaho 83705

Re: Request to the U.S. Environmental Protection Agency to Initiate a Time Critical Removal Action at the Salmon River Uranium Development (SRUD) Millsite.

Dear Mr. Wertz,

With this letter, the Idaho Department of Environmental Quality (Department) requests that the Environmental Protection Agency (EPA) initiate a time-critical emergency action under the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) at the Salmon River Uranium Mill site in Lemhi County, Idaho. The Department considers the site to pose a threat to human health and the environment due to the dangers posed by remaining mining wastes at the site and its vicinity to public access.

The Department's primary concerns include two corroded yellow tanks filled with multiple unknown materials. The tanks breached seams are leaking directly into the environment and remain a primary threat to human health and the environment. These tanks have been unaddressed by the Department due to their Bevill exemption from the Resource Conservation Recovery Act (RCRA). While not addressed, these tanks continue to pose an immediate threat to individuals, as well as site soils and groundwater. These tank contents are known to be not only extremely acidic, but to contain mercury, thereby having the potential to cause acute harm to individuals.

Other materials remaining on site, which are considered a threat by the Department include; the upper tailings pond, several discreet waste piles surrounding the building, as well as waste piles remaining inside the mill building. These wastes have been identified in the "Salmon River Uranium Development Mill Removal Assessment Report", written by TechLaw Inc. for the U.S. EPA dated April 13, 2007. Collectively, these waste areas contain extremely high levels of arsenic, copper and lead along with relatively high concentrations of other metals. Contamination from radioactive sources also exists at this site as well as processed thorium ore in deteriorated bags. These concentrations lead the Department to consider them to remain a substantial threat to human health and the environment.

Although this site is located on private property, it is easily accessible to the public both by the public road (FS 030), and the Salmon River which is directly down the hillside from the Millsite and is repeatedly visited by hunters, boaters, and general recreationists. In discussions with the property owner, Orval Baird, it has become obvious that the public has continued to trespass at this site regardless of his efforts in locking gates and posting signs. It has also come to Department's attention that Mr. Baird is also incapable of funding the cleanup needed in order to protect the public from these hazards. These factors contribute to our request for EPA to respond to this site under its CERCLA authority.

Thank you for your attention to this matter. Please feel free to contact me directly with any comments or questions at (208) 373-0502, or you may contact Jim Johnston in the Idaho Falls Regional Office at (208) 528-2650.

Sincerely,



Toni Hardesty
Director

- c. Jim Johnston, DEQ-IFRO
Rob Hanson, IDEQ-CEN
Greg Weigel, EPA, Boise
Raphael Rodriguez, NRC, Washington D.C.
Ray Henderson, U.S. Forest Service, Salmon/Challis National Forest, Salmon
Orval Baird, P.O. Box 87, Tendoy, Idaho 83468