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National Wildlife Federation

NATURAL RESOURCE CLINIC
UNIVERSITY OF COLORADO SCHOOL OF LAW
BOULDER, COLORADO 80309
303/492-6552

August 9, 1979



Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, DC 20555

Dear Sirs:

The National Wildlife Federation's Natural Resource Clinic is considering representing groups and individuals from Canon City who are contesting the Cotter Corporation's proposed mill and tailings impoundment.

We understand that on May 17 of this year the Nuclear Regulatory Commission (NRC) decided pursuant to the Uranium Mill Tailings Radiation Act of 1978 it had licensing authority over uranium mill tailings in agreement states. Since the Cotter Mill is being treated as an expansion of the old mill (we regard this treatment as dubious and may challenge it) which was licensed by the Colorado Department of Health, the NRC will issue a general license to Cotter to own and possess tailings.

Please regard this letter as a request for a letter outlining the NRC's position on the Cotter Corporation's tailings license and discussing the NRC's proposed actions relative to the Canon City mill and tailings. A timetable of NRC expected actions would be appreciated.

In addition, pursuant to the National Environmental Policy Act, the NRC must prepare an Environmental Impact Statement on the tailings disposal plan. The Executive Summary issued by the Department of Health is emphatically not an Environmental Impact Statement. It does not satisfy the NRC's National Environmental Policy Act obligations. Similarly, the assistance the NRC has given to Colorado under the Agreement State Program does not absolve the NRC from doing an independent evaluation of the Cotter Corporation's tailings disposal plan.

Sincerely,

Brian Hanson

Brian Hanson
Legal Intern

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