

40-3453

Ramon E. Hall, Director
Division of Radiation Safety & Safeguards
Nuclear Regulatory Commission
Region 4
611 Ryan Plaza Drive
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RETURN ORIGINAL TO PDR, HQ.

12-8-93

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Dear Mr. Hall:

Thank you for your letter dated November 18, 1993. I have reviewed the letter and its enclosures. The EPA also sent a response to my letter, including a copy of a recent comments they sent to you on your proposed action. As a result of my review I would like to offer these additional comments.

I was pleased to hear that you had overturned your Finding of No Significant Impact (FONSI). It is apparent, from even casual observation of the Atlas tailing pond that a FONSI is not appropriate. Obviously the site is currently out of compliance. The preferred option that you have previously supported will not bring the site into compliance, as even the most liberal reading of your own criteria doesn't condone abandoning tailings on a river, in a flood plain, in a wetland in the middle of a population center.

In your summary of the issues I raised, one issue was ignored. That is the potential for catastrophic failure of the tailings pond. In my letter I used the Church Rock tailings pond as an example of such a failure. The Church Rock pond was active at the time, it was new, according to the company and your agency, state of the art and lined. As I noted in my previous comments, the Atlas pond is not state of the art, is not lined and at the time I saw it, not covered. As one who has researched the history of the Atomic Energy Commission and been active in issues related to the NRC, I am concerned that the issue of catastrophic failure will be continue to be swept under the rug as so many other catastrophic failure issues related to the nuclear industry have been. Catastrophic failure needs to be addressed as a major issue in your new review and in the supplemental EIS.

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Your letter seems to indicate that an interim cover is in place at the pond. During my observation of the pond, there was free liquid in the center of the pond surrounded by material that appeared to be solids precipitated from leachate. I can only characterize the assertion that the pond was covered at the time of my observation as grossly inaccurate.

Your letter indicates that the "direct" radiation levels at the fence line are "essentially at background values". Given the nature of the pond and associated demolition of the mill facility adjacent, I find this hard to believe. If by "direct" radiation, you mean weak gamma field radiation, my response is; what about the rest of it?

From the operation I saw at the site, I am concerned not just about radon release and weak gamma field from the tailings pond but about release of particulate to the air from the site being disturbed. Demolition work at the site appeared to be haphazard at best with no great consideration given to controlling release of radioactive substances.

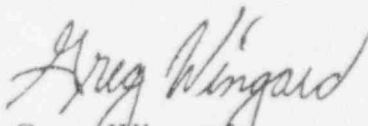
Your letter asserts that there has been a substantial improvement in surface water and groundwater quality as a result of a program implemented in 1986. I have no doubt there has been an improvement due to removing the liquid input into the pond. I do however question your assertion that seepage will be eliminated when the tailings pond is dry. Given the placement of the pond in relation to the river, the age of the pond and the amount of release that has already occurred, any action that leaves the source in place is doomed to continue the contamination for the foreseeable future of the human race. I think your optimistic attitude about the ability to keep water out of the pond given its location, is misplaced.

Given the materials supplied to me by you and the EPA, it is still my opinion that leaving the tailings pond in place would be a gross dereliction of duty. Although not in any way meant as a comment on you or your job performance, I am very concerned at the prospect of the NRC having lead agency status at this site. It is my opinion (and experience) that the AEC and NRC have acted as promoters of the nuclear industry, have failed to enforce even the minimal laws and standards that the agencies are responsible for and have swept any problem that was embarrassing (or for the private side expensive) to the agency or industry, under the carpet. This history (of which I would be happy to provide you with a list of specific examples) leads

me to be very skeptical about the ability or will of the NRC to adequately protect human health and the environment. The history to date at this site tends to reinforce this perception.

Thank you for your attention to these comments and for the background material you sent. At this time I don't need additional records, but remain very interested in this site. Please inform me of upcoming public comment periods or other actions or determinations at this site.

Sincerely,



Greg Wingard
9720 1st-NW
Seattle, WA 98117

cc: Milt Lammering, EPA
Bruce Babbitt, Secretary of the Interior