

Dead Horse Point



Moab-West Rim



Delicate Arch



Fisher Towers



County Council:
259-7339

Charlie Peterson
Chairman

Paul Menard
Vice Chairman

Fran Townsend
Clerk and Auditor
259-5645

FAX 259-2959

Grand County (10)

125 East Center
STATE OF UTAH
Moab, Utah 84532

PR 51

(59FR 14912)

Lilly Mae Noorlander
259-7425 Recorder

Grace Eastin
259-5835 Treasurer

Dorothy Gough
259-7696 Assessor

Jim Nyland
259-8115 Sheriff

William L. Benge
259-7621 Attorney

Tim Keogh
259-8171 Surveyor

May 8, 1994

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
ATTN: Docketing and Services Branch

DOCKETING
OFFICE OF THE CLERK
MAY 13 1994
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U.S. NRC

SCOPING COMMENTS FOR RECLAMATION OF ATLAS CORPORATION'S URANIUM RECOVERY FACILITY AT MOAB, UTAH (DOCKET NO. 40-3453)

The Grand County Council, which is the local governing body with jurisdiction over the site of the Atlas Mill, appreciates this opportunity to provide scoping comments for the Environmental Impact Statement on the reclamation plan for the mill and associated tailings pile. We do not propose to repeat the detailed comments that we submitted last year in response to the Environmental Assessment and FONSI noticed in the Federal Register. Since then, we have consulted with NRC in its technical review as well as working closely with the Utah Division of Radiation Control, the EPA, National Park Service, and the BLM, and we are confident that nearly all the relevant technical issues have been brought to your attention.

Instead, these comments are aimed at reminding you of the difference between a real EIS, in which well developed alternatives are honestly compared; and a public relations sham, in which time and money are wasted justifying a decision made before the process ever began.

It is simply not good enough to rework the same old data about the existing site and compare that plan to a generic 'airport' site; that exercise has been completed before, and it led to a contorted and problematic conclusion. Yet, how do you propose to do anything more in the extremely short and arbitrary time frame given for this EIS? Many crucial questions cannot be answered with the existing information. That is why the 1993 Environmental Assessment included so much hand waving. The unbiased professionals from Oak Ridge National Lab should demand enough time to collect new information for a real EIS. Some of the important issues needing further study are described in the following two sections.

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Unanswered Questions About Reclamation in Place

Socioeconomics

The socioeconomic implications of leaving the tailings in the Moab Valley have never been addressed. It is difficult to overstate the value and unusual nature of the Atlas site. The pile sits on the only buildable riverfront land in the only habitable valley and town along hundreds of miles of the spectacular Colorado River Canyon. If it were cleaned up, Moab could relate to and develop along the river in a way that has not been possible with the tailings in place.

The land could easily become one of the most desirable parcels in this destination resort. It is mere yards from Arches National Park, an international scenic treasure where visitation is rising at a rate of about 25% per year. Directly across the river is the richest nature preserve in all of southern Utah, and the river itself has been designated critical habitat for four threatened or endangered fish species. This is a desert oasis, and any release of hazardous materials at the site will have the greatest possible adverse consequences for the natural environment and the local population, which is confined in the valley with the tailings. The river flowing past the pile, and being contaminated by the pile, provides drinking water for sixteen million people. How are you going to put prices on all these very real issues?

Because of the Colorado River and the spectacular surrounding country, Moab has become one of the fastest growing destination areas in the U.S. Housing is completely unavailable. Only 4.5% of the County is private land in the first place. Prices have been doubling annually. This land would be very valuable today, and its value in the future could be astronomical, if the tailings were removed. Realistic estimates of the future land price (Consult local real estate professionals) need to be factored into the decision.

Furthermore, if development continues along anything like the current trajectory, the pile will eventually be moved from this unique piece of property by our descendants, who will curse us for our short-sightedness. How much extra will that cost? The much smaller pile in Monticello, Utah, which has gone through something like that process, will cost over \$250,000,000 by the time it is finally laid to rest.

Geology and Geophysics

Considering the socioeconomic problems with reclamation in place, the technical characteristics of the site ought to be extremely good for that disposal option to receive any further consideration at all. Unfortunately, the site is an unusually dynamic one that offers little hope of maintenance-free long term

isolation of the waste.

The unlined pile sits on a wet, unconsolidated alluvial fan formed where a major wash meets the major river of the southwestern United States. This wash, which sometimes carries nearly as much water as the Colorado River, used to aim directly at the center of the tailings pile before it was rerouted around the upstream side of the pile. The river scours at the pile during high water years, and its tidal action pumps contaminants out of the bottom of the pile in all seasons. The ground under the pile is subsiding, and it is subjected to frequent small earthquakes; both factors which could cause rerouting of the river.

In order to address all these forces acting to dismantle the pile, disposal in place is a heavily engineered solution. But, the cumulative effect of all the wear and tear on the pile has not been addressed. What will happen if the weight of the rock armour causes differential settling of the pile, and small quakes compromise the integrity of the radon barrier and rip-rap? And then, what if small floods in Moab Wash claw at the side of the pile and cause sloughing into the rerouted channel. We know where the Wash wants to be, so suppose it cuts into the upstream side of the pile, just several years before a really big flood comes down the Colorado and finds the upstream flank of the tailings unprotected.

Accumulation of small problems could cause catastrophic failure. Who is going to take care of long-term maintenance, and who is going to pay for it? There is not much room for error when the drinking water of tens of millions of people is at stake. And if you continue to believe that even catastrophic failure wouldn't be so bad, believe us when we say that NRC might get a chance to explain that idea on national television.

One additional point about the river: the analysis of the probable maximum flood was flawed, as NRC is aware. In such an event, the Moab Valley will act as a large eddy rather than as an active part of the channel. This means that flows past the tailings will be much faster than anticipated, requiring larger rip-rap. We have said it before and we say it again: that kind of rock is not easily available locally, and it will be enormously expensive and dangerous to get it from the sites NRC has identified. The County owns the most of the roads the rock must travel, and we will have to evaluate whether that is an appropriate sort of traffic to allow. Where is the accurate, detailed analysis of sources, costs, fuel consumption, and potential for industrial accidents?

Hydrology

Very little is known about the aquifer below the tailings pile, except that it is being seriously contaminated with salts, heavy

metals and alpha radiation, and that it flows just a few yards into the Colorado River. It is necessary to thoroughly understand the aquifer and its interaction with the river in order to evaluate the Groundwater Corrective Action Plan. From the monitoring well data, it is almost certain that there is offsite contamination down-gradient, and nobody has done the sort of sampling of river sediments and biota that would reveal whether contamination is accumulating at localized sites in the river.

Both Grand County and the State of Utah have valid CERCLA claims because there have been releases of hazardous substances into the environment that exceed permit levels. If NRC is not going to require additional study of the groundwater, the river, and the aquatic and terrestrial biota, then the County is going to use the natural resource damage component of CERCLA to recover costs from Atlas for proactive actions to prevent further release. This will include, among other things, funding for monitoring and testing programs designed to determine whether offsite contamination has occurred.

It is clear that the corrective action program is not going to get releases of hazardous substances into the groundwater down to acceptable levels, so NRC has stated that it intends to change the rules and allow alternate concentration levels. These ACL's might be acceptable in the gas hills of Wyoming where nobody is drinking the water, but this is a different kind of site. All of the Title I sites along major river systems were moved rather than allow ACL's, and this pile is larger, and the river it sits beside is larger, than any of those sites. It should be cleaned up to meet standards or it should be moved. NRC should develop costs for a real clean-up and add those to costs for reclamation in place, or should put a price on degrading the major water supply of the southwest for a few thousand years.

In summary, a real accounting of the cost of reclamation in place would reveal that any initial savings of such a plan will be offset by a huge ongoing expense for development potential lost, damage to priceless natural resources, and continuing maintenance of the highly engineered containment structure. And, since this is the least attractive option from the perspective of safe, long-term isolation of the waste, it seems more than prudent to look very seriously at other options for reclamation.

Unanswered Questions About Moving the Tailings

In previous documents about this issue, NRC has considered moving the tailings to a generic 'airport' site, and dismissed the option after a cursory analysis of costs and hazards. However, the 1993 EA clearly found that even a generic Mancos shale site offered much better prospects for meeting the overall objectives of long term, maintenance-free isolation of the waste, than the

river site. The Uranium Mill Tailings Radiation Control Act clearly requires detailed analysis of alternative sites so that the best may be chosen for final analysis. This whole project is unquestionably deficient in this regard, and it is past time for NRC to do a real search for the best possible site in the Mancos shale area north of Moab.

We are confident that an excellent location can be found, one that combines efficient access with great safety. But it is necessary to actually look for such a place if you mean to study it seriously. Not all areas have sufficient depth to groundwater, nor do they all give adequate assurance that erosion or flooding will not be a problem. Location will have great bearing on transportation costs. So, the first question is: where is the plateau or 'airport' site?

Having identified a location, careful engineering analysis is needed to determine the best method of getting the tailings to the site. Ready rail access makes that an attractive option to consider, but how would the cars be loaded? Is a conveyor system feasible? What would be the methods of suppressing radon emissions? And, once the cars are loaded, is it cheaper to construct a rail spur to the site, or load trucks at a special haul road built to access the railroad?

Perhaps a more attractive option would be to build a slurry pipeline and move the tailings that way. Dust and emissions at the pile could be kept very low, road and transport hazards could be eliminated, and the coal and other industries have found it the most economical way of moving large amounts of materials.

A third major area of the design is the containment area itself. The soil in the area has been found to have extraordinarily low permeability to water. It should be possible to build a disposal area with world-class characteristics. Perhaps no liner would be needed. What would the design be? How much weight should be given to the relatively assured success of the reclamation process as compared to the uncertainty of covering the pile up on the riverbank? The fact that nobody has ever attempted to answer any of these questions gives a good indication of how serious NRC has been in considering alternatives to reclamation in place.

Apparently, the EIS is to be ready in draft form just five months after the scoping process closes. We don't believe that is sufficient time to address most of our questions. Accordingly, we request NRC to create a technical advisory committee to oversee progress on the EIS. Members would be Grand County, State of Utah, EPA, DOE (especially including somebody who has moved a pile before), National Park Service, and BLM. This group should get weekly updates on progress, as well as projections for work to be accomplished in the next month. If the EIS is not addressing the concerns of the group, then the schedule must be

re-written, so that a fair and lawful document emerges. This may seem inconvenient, but the public interest demands such a process. This site sits on top of the water supply for the southwestern United states.

Thank you for the opportunity to comment.

Sincerely,



Bill Hedden
Vice-Chairman
Grand County Council
125 E. Center St.
Moab, Utah 84532