

DOCKET NUMBER PR 51
PROPOSED RULE (59FR14912)

April 29, 1994 DOCKETED
USNRC

(5)

Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555

ATTN: Docketing and Services Branch

'94 MAY -6 P2:39

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

RE: Written comment to NRC's intent
to prepare an EIS for the decom-
missioning and reclamation of the
Atlas uranium mill at Moab, Utah.
Comment period ending May 13, 1994.

Dear NRC;

Before Atlas began milling uranium ore in 1956, a 40 foot sub-surface pit was graded out beneath a 96 acre base of the tailings pile. That graded sub-surface pit beneath the tailings pile is in direct contact with the surface groundwater of the Colorado River. The water downstream of the Atlas mill site is a primary natural resource to 40 million Americans - a natural infrastructure of the Southwest. The Atlas tailings pile is located directly on the Colorado River, in the flood plain of the Moab Wash, directly over the seismically active Moab Fault that is capable to produce a quake which would split the 7 million cubic yard pile open. The radioisotopes located in the Atlas tailings pile will eventually undergo radioactive decay, it gradually becomes the stable element lead (Pb) through the disintegration process.

The Atlas uranium tailing site is already contaminating the surface groundwater of the Colorado River. Continued contamination by radioactive waste and heavy metals of our nation's number one natural resources, water, will become a serious health problem for our nation's population. Dilution of this toxic poison into the groundwater of so many Americans is unacceptable and contrary to the laws of the EPA and the Clean Water Act.

According to 10 CFR 51.29, the scoping process, Appendix B(c) it states: "The mill property will be reclaimed and decontaminated to U.S. Environmental Protection Agency (EPA) standards allowing for unrestricted use, thus mitigating any adverse effects. Extensive water monitoring has identified no contamination in the Colorado River; therefore, there are no effects on river biota, and they will not be assessed. There should be no harmful impacts on terrestrial biota and no assessment is required, as the tailings pile will be covered and radon emanations reduced to comply with EPA standards."

Extensive and exhaustive groundwater monitoring should be implemented in the EIS, to the extent that new and developed techniques insure groundwater quality. This is a primary concern for the State of Utah, Division of Radiation Control, Department of Environmental Quality.

Section 102 (1) of NEPA requires that the policies regulations and public laws of the United States be interpreted and administered in accordance with the policies set forth in NEPA. As well, extensive and exhaustive study of the two alternative sites for off-site remediation of the tailings pile should be the primary consideration of this EIS. The NRC's EIS will be fully evaluated for these considerations.

My written comment also includes my understanding that: In July 1986 the NRC had amended it's regulations to comply with Uranium Mill Tailings Radiation Control Act of 1978 (UMTRA) and the NRC Authorization Act for 1982 and 1983; these Acts requires the NRC to bring it's tailings regulations into conformity with the standards issued by the EPA. UMTRA requires the federal government to eliminate hazards associated with inactive tailing piles left from uranium milling operations carried on under Atomic Energy Commission (AEC) contracts. Nearly all uranium produced between 1947 and 1970 was produced for the AEC. UMTRA requires the federal government to pay 90% of the clean-up cost.

The EPA is responsible for setting applicable environment standards for all radiation directly or indirectly affecting public health and setting the criteria for handling and disposal of all radioactive waste. UMTRA requires the EPA to establish standards for all uranium mill tailings.

The Department of Energy (DOE) is in charge of handling all inactive uranium mill tailing sites. The DOE is the responsible agency for the federal government's nuclear waste management; the published DOE is: "To develop the technology and facilities necessary to provide for the permanent isolation of civilian and military waste from the biosphere so that these wastes pose no significant threat to public health and safety."

UMTRA accounts the U.S. federal government 90% liable for the Atlas clean-up cost. UMTRA also requires the EPA to set criteria standards to be followed by the DOE and NRC. The Clean Water Act and EPA dictates the law to the NRC, the NRC cannot grant a waiver to this Act or the EPA.

In August 1993 Region VIII of the EPA wrote the NRC concerning the EPA's exceptions to the NRC's "exemptions" to it's own reclamation criteria of it's published FONSI. This resulted in the unprecedented withdrawl of the FONSI by the NRC, further resulting in the subsequent Environmental Impact Statement (EIS), which this is a written comment too.

The State of Utah has veto authority over capping the pile in place, because of continued contamination and violating the state's groundwater protection standards.

Any contamination to the groundwater and health risks to the American public is the primay consideration to the NRC's EIS for offsite remediation for the Atlas uranium mill tailing site.

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4/29/94
Written comment for NRC's EIS

Also find enclosed 23 pages, containing 313 legible names, addresses and signatures of persons who oppose the capping of the Moab uranium tailing site in place. You will note on page one, signature number 12 is that of Mr. Charlie Steen, the first owner, operator and CEO of the Atlas Uranium Mill of Moab, Utah.

Sincerely,

Gary A. Hazen

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To the Moab City Council, Grand County Council, State of Utah, Nuclear Regulatory Commission, Environmental Protection Agency, U.S. Dept of Energy, U.S. Dept of Interior and the U.S. Dept of Justice. OUR OPPOSED POSITION to the Nuclear Regulatory Commission's published Finding of No Significant Impact (FONSI) to approve the Atlas Corporation Moab Uranium Mill Site Plan to reclaim, by capping, the 130 acre (10.5 million tons) of uranium mill tailings pile in place, on the Colorado River Corridor in Moab, Utah.

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- 11 Dorothy Edwards " " "
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NAME (print)FULL ADDRESSSIGNATURE

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NAME (print)

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Aug/Sept 1993

To the Moab City Council, Grand County Council, State of Utah, Nuclear Regulatory Commission, Environmental Protection Agency, U.S. Dept of Energy, U.S. Dept of Interior and the U.S. Dept of Justice. OUR OPPOSED POSITION to the Nuclear Regulatory Commission's published Finding of No Significant Impact (FONSI) to approve the Atlas Corporation Moab Uranium Mill Site Plan to reclaim, by capping, the 130 acre (10.5 million tons) of uranium mill tailings pile in place, on the Colorado River Corridor in Moab, Utah.

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Ray MARK BEESON Box 196 MOAB - UT.

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Laurie Dahl Laurie Dahl

Laurie Dahl Laurie Dahl

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Clark Wilson	584 W. SW. Moab Ut 84532	
Laurie Ingoldsby	190 N 100 E Moab UT 84532	Laurie Ingoldsby

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MOAB, UTAH

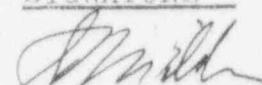
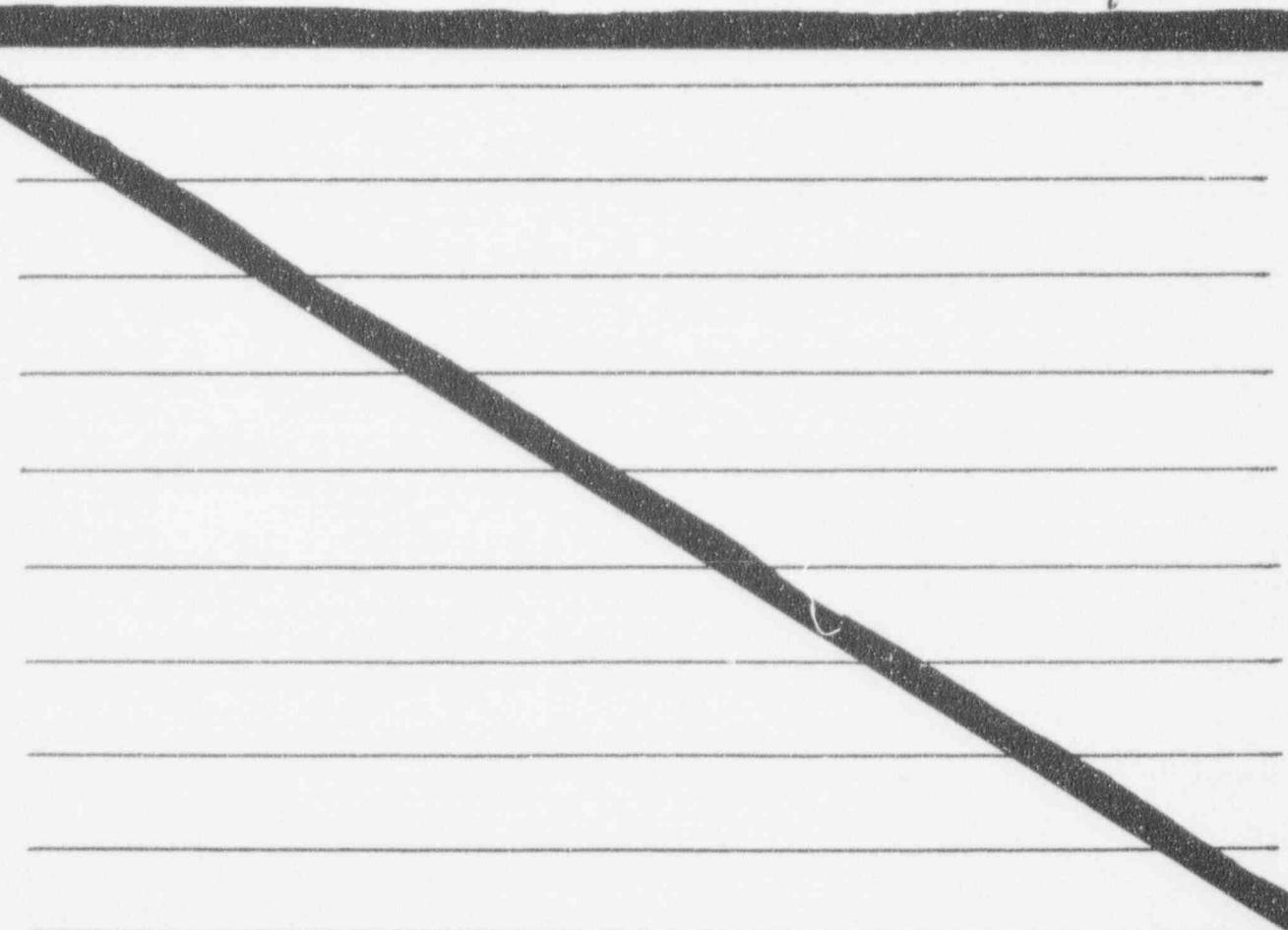
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