

40-3453

November 12, 1997

Mr. John F. Darke  
P.O. Box 603  
Moab, Utah 84532-0603

SUBJECT: FEDERAL REGISTER NOTICE

Dear Mr. Darke:

I am responding to your letter of October 22, 1997, to Carl J. Paperiello and me, in which you request that the U.S. Nuclear Regulatory Commission publish a notice in the *Federal Register* inviting the public to comment on the Draft Biological Opinion (DBO) on the Proposed Reclamation Plan for the Atlas Mill Tailings Site in Moab, Utah. The DBO was prepared by the U.S. Fish and Wildlife Service (FWS) in accordance with section 7 of the Endangered Species Act of 1973, as amended, and transmitted to the Nuclear Regulatory Commission by letter dated June 26, 1997.

As you point out in your letter, 50 CFR 402.14(g)(5) contemplates no consultation beyond FWS, NRC, and Atlas. Further, the DBO is not an NRC document. Therefore, NRC does not plan to publish an opportunity for public comments of the DBO as you requested.

For your information, NRC has posted the DBO and NRC's August 12, 1997, staff comments on the DBO, on the NRC web site. The NRC web site's address is: <http://www.nrc.gov/>.

If you have further questions, please contact Dr. Myron Fliegel, the NRC project manager for Atlas, at (301) 415-6629 or me at (301) 415-7238.

Sincerely,

(Original signed by)

Joseph J. Holonich, Chief  
Uranium Recovery Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

cc: See attached list

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