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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

APR 10 1998

Ref: 8P2-TX

Mr. James Thuesen
1871 Highland Drive
Moab, Utah 84532

Re: Control No: AX9802417-WH

Dear Mr. Thuesen:

Your letter to President Clinton of January 15, 1998, has been referred to this office for response. In addressing your concern with the proposed action to leave the uranium tailings pile at the Atlas mill site (along the Colorado River, near Moab, Utah), I will attempt to summarize the actions and responsibilities of the Federal agencies involved with this issue. As discussed below, the role of the U.S. Environmental Protection Agency (EPA) is advisory. EPA does not have negotiating authority over the site cleanup.

The Atlas Corporation Uranium Mill Tailings facility is a pile of approximately 10.5 million tons which derives from a uranium milling operation encompassing the general timeframe 1956 to 1984. This specific uranium mill tailings facility is listed within and falls under purview of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978. Authority for overseeing the ultimate reclamation/stabilization of the Atlas uranium mill tailings is relegated to the Nuclear Regulatory Commission (NRC). Within NRC's applicable regulations for this purpose are incorporated standards for the control of residual radioactive materials from inactive uranium processing sites as established by the Environmental Protection Agency (EPA).

It was the intent of UMTRCA that this facility and others like it be reclaimed/stabilized not at public expense but rather at the expense of the owning and operating entity. As the overseeing regulatory agency, it is NRC's responsibility to determine if reclamation/stabilization measures proposed by owner and operator

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are in compliance with all applicable NRC regulations. NRC can either accept or deny the facility's proposed reclamation/stabilization plan; however, it cannot dictate the ultimate nature or type of reclamation/stabilization.

With respect to the Atlas uranium mill tailings pile, the owner has proposed on-site reclamation/stabilization. NRC has evaluated the Atlas proposal and has concluded that it meets all applicable technical requirements. This conclusion is documented within and by NUREG-1532 "final Technical Evaluation Report for the Proposed Revised Reclamation Plan for the Atlas Corporation Moab Mill" (TER). A second component of the overall NRC review is that of evaluating and addressing environmental impacts associated with the proposed reclamation/stabilization. This environmental review will lead to the issuance of an environmental impact statement (EIS). A final biological opinion from the Fish and Wildlife Service (FWS) is needed before the EIS can be issued in final form. The technical staff of EPA Region VIII have provided consultation and comments to NRC in the development of these two predecisional documents (TER and EIS). Upon finalization of the EIS, NRC will take action on the overall acceptability of the proposed reclamation/stabilization.

Addressing your major concern, on-site reclamation/stabilization may indeed be an acceptable alternative; however this has yet to be decided. On-site reclamation/ stabilization does not pose a threat to the Colorado River in terms of the river's capacity to serve as a water supply for the production of drinking water. The proposed reclamation/stabilization may pose unacceptable ecological risk to the local aquatic environment. This aspect will be determined via the FWS final biological opinion as incorporated within the final EIS. A draft biological opinion by the FWS was issued on June 26, 1997. This draft opinion was one of "Jeopardy." The draft opinion of jeopardy related to possible impact upon four (4) endangered fishes. Several agencies, including EPA, are involved in effort(s) by FWS to further qualify and quantify this concern.

If the current proposal on-site reclamation/stabilization is determined to be unacceptable, relocation of the material to an alternate location may be necessary, however such an action is not without potential problems. Relocation and stabilization of the materials in an acceptable matter at an alternate location may not be within the fiscal resources of the company thus necessitating the authorization and expenditure of public funds. Relocation and stabilization of the materials could not be performed immediately or in an immediate sense. Such an effort must span the vast majority of a decade and likely pose other types of public health and environmental risks.

A removal/remedial action by EPA via "Superfund" is a possibility, but rather remote. The original Superfund legislation specifically excludes this type of facility from action as it is governed by other federal statutes and authorities. A major policy decision would be required to allow Superfund action. Even given such a request and subsequent decision of authority/ability, there would be no assurance that the pile would be removed under a Superfund action. On-site reclamation would be equally, if not more, likely. A Superfund action would also not "assist" the company, but penalize it as a responsible party.

EPA remains confident that an acceptable reclamation/stabilization either on-site or off-site will be achieved. It is EPA Region VIII's plan to continue to work with the NRC and other affected or interested parties to achieve a satisfactory understanding and resolution of this issue. Unless substantial new information is brought to our attention, EPA has no further direct regulatory role in the pending decision(s) or action(s). Should you have questions of this office, please direct them to Mr. Lon Q. Hesla, Toxics Program at (303) 312-6024. Should you have questions of NRC, direct them to Dr. Myron Filegel, Uranium Recovery Program, at (301) 415-7238.

Sincerely,

for William P. Yellowtail
Regional Administrator

cc: Joseph J. Holonich, Chief
Uranium Recovery Branch,
Division of Waste Management
Office of Nuclear Material Safety and Safeguards
Nuclear Regulatory Commission
Washington, D.C. 20555-0001

EPA

January 15, 1997

Mr. President,

I am a new resident of Moab, UT, a small town on the banks of the Colorado River. This town was originally a cattle and farming community settled mostly by the Mormons. Eventually, uranium was discovered by a man named Charlie Steen. This discovery was at the time that our country was actively seeking uranium and it's by-products for many uses, both civilian and military. Because of these needs, this little town grew with the influx of miners, their families, and all the other men and women who follow mining activities. This was a great period of prosperity for a small rural area. Many of the men in town took part in the mining and processing of the minerals being extracted from the mines, as a large processing mill was soon established on the banks of the Colorado River in order to take advantage of the convenient source of water.. As the countries need for these minerals diminished, the mining slowed down and finally stopped. The processing plant itself was closed and eventually torn down.

At this time, our country did not realize the effects that these minerals can have on the health of our citizens. We are now at least dealing with the health problems incurred by the miners. Since then we have learned so much that now any company in the nation must follow strict guidelines in the handling of any materials of this type from mining through processing through disposal. It is in the disposal area of this material that I am concerned. Nothing can be done about past events, especially those for which no problem was anticipated. But, I believe we cannot simply accept past practices as safe when new and/or better technologies exist.

When the plant was constructed, the tailings were mounded right next to it. This tailings pile became quite large, and when the plant was closed the pile was simply capped in place. Years ago, this may have been considered quite safe, but with our new knowledge we know that this is simply inadequate.

I am not an authority on any of the subjects necessary to solve this problem, nor have I studied in depth any of the points I am trying to make. However, I find it almost impossible to believe that simply capping this pile in place can be as safe as the proposed alternative of moving the pile to a better place. The company that owns this material is the Atlas Mining Co. Atlas has plans to permanently cover and cap the tailings pile where it is. Their contention is that this would be perfectly safe and that it is the most cost-effective solution. Opponents to this plan say that a viable and safer alternative to this is to move the entire pile to a spot far enough from the river and populated areas that it would not be a concern. It is admitted by all that moving this material would be much more expensive than the Atlas plan.

I am not a spokesperson or even a member of any group involved in this issue, In fact, I have only lived in this town for one year but feel that this quandry must be solved for the good of the people and the environment. While listening to your State of the Union message I decided that it was my responsibilty as a citizen to write to you about this problem. In your speech, you talked about "America's Treasures". Many of what we consider these "Treasures" could be irreparably harmed if the Atlas pile were ever to fail in any way. Since our town does not depend on the water of the Colorado for drinking, we would not be affected nearly as much as those areas downstream along the Colorado River.

Directly across the highway from the pilings area is Arches National Park. In the park, there is a sign pointing out what is called the Moab Fault. This is an earthquake fault which runs directly through the Atlas pilings area. This fault has not been active for hundreds or thousands of years, but since I spent the first fifty-three years of my life in the San Francisco Bay Area, I hesitate to accept any fault site as safe. Aside from the slim (but possible) chance of an earthquake, the proximity to the Colorado River poses perhaps the greatest chance of catastrophe. At this point the river has no major dams upriver close enough to protect the tailings pile from the proverbial 100 year flood.

Imagine at the worst a year where this area receives the type of monsoon rains that are now hitting California. The runoff from this desert terrain would cascade down the unprotected part of the river, climbing it's banks on all the low lying land around it. As it passes the bridge across Highway 191, the river starts a left turn as it gains momentum. On the right hand side of this turn is a pile consisting of millions of tons of decaying radioactive material. As the water rises higher, it cuts out the banks and ascends upon a structure designed to keep out rainfall and snow. After watching news reports of flooding on the Mississippi, the Tennessee, the Missouri and even smaller rivers, we can just sit and wonder if the structure will develop small cracks, larger holes and possibly crumble. Now what?

Any material washed out joins the river and heads downstream. In fifteen minutes it is pouring through Canyonlands National Park, directly into Lake Powell. Though the lake is large and might contain all the material for a while, water and silt will eventually be released downstream going directly into one of our most famous National Parks, the Grand Canyon. From there on to Lake Mead and through the Hoover Dam down to Lake Havasu and more smaller dams until it passes through Mexico and is deposited in the Gulf of California.

It is impossible to predict how much damage could be caused be either earthquake or flood, but we can be assured that man has never made a structure that could completely beat Mother Nature. What we do know is that if even a small amount of this material found it's way into the river it could have far-reaching consequences. Even aside from the environmental damage to plants, animals and fish, these waters are necessary to a great part of our citizens for drinking, washing, and especially for irrigation.

Our nation also has a treaty with the government of Mexico that promises that nation a certain amount of water from the Colorado River system. Could we just tell our neighbor to the South that they can have their share, but it is contaminated because we did not want to spend too much money? How can we take that chance?

I understand the Atlas Co. not wanting to spend any more money than they have to, especially since they can not make any more money from this. That is what business is about. Considering that no one realized the dangers from this waste material until after the fact, it is hard to now say you have to spend all your profits to move this pile.

Mr. President, considering the fact that this was a profit-making operation that was necessary for our countries well-being at the time, I would hope that if the Atlas Co can not afford to move the tailings pile to a safer spot that this area could be added to the list of sites scheduled for clean-up on the Superfund list. In that way, the country could aid the Atlas Co. financially enough to move the pile. This would probably be a small amount to add to the Superfund but could be a great benefit to this country. I do not think we should abandon this company to bankruptcy, but more than that I feel we need to keep faith with our land.

I have voted for you and admired you and the First Lady and feel that you both love the United States like I do. I have not written to many politicians but on this issue I felt that the only thing to do was to go straight to the top. Considering the bickering that has been going on over this for as long as I have been coming to this area I feel that maybe you can find someone to sort it out.

Thank you,

Jim Thuesen

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