



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20545-0001

June 26, 1998

Dr. James A. Davis  
Water Resources Division  
U.S. Geological Survey, MS-465  
Menlo Park, CA 94025

Dear Jim:

Linda, Ralph and I have reviewed the siting report and proposed project plan. We agree with your selection of the Naturita Site and the substance of the proposed project plan. Ralph had one significant comment and a list of editorial corrections (see enclosure). The slight cost increase and schedule extension described in the draft project plan have been noted and will be incorporated into the interagency agreement when we process the 1999 funds and can reference the final project plan.

Task 1 will be complete upon receipt of the final project plan. Based on the review of the siting report and the draft project plan, I approve the selection of the Naturita site and authorize the implementation of Task 2: "Characterization of the Naturita field site and field sampling"

Sincerely,

A handwritten signature in cursive script that reads "William R. Ott".

William R. Ott, Team Leader  
Waste Management Branch  
Division of Regulatory Applications  
Office of Nuclear Regulatory Research

Enclosure  
As stated

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RESOLUTION EXPRESSING CONCERN OVER COLORADO'S  
SITING OF RADIOACTIVE MATERIALS DISPOSAL FACILITY

1994

GENERAL SESSION

Enrolled Copy

H. C. R. No. 13

By Melvin R. Brown

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR EXPRESSING CONCERN OVER THE DECISION OF THE STATE OF COLORADO TO LICENSE A RADIOACTIVE MATERIALS DISPOSAL FACILITY AT A SITE LOCATED NEAR URAVAN, COLORADO ON SPRING CREEK MESA ABOVE THE SAN MIGUEL RIVER WHICH SUPPLIES WATERS THAT FLOW INTO THE STATE OF UTAH; URGING THE UTAH DIVISION OF RADIATION CONTROL TO REVIEW AND REPORT ON THE SAFETY OF THE URAVAN FACILITY; AND EXPRESSING INTEREST IN HAVING THE ISSUE ADDRESSED IN ACCORDANCE WITH THE WESTERN STATES REGIONAL WASTE MANAGEMENT PROTOCOL.

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS the state of Colorado has licensed a radioactive materials disposal facility at a site near Uravan, Colorado, which is upstream from and has the potential to impact the waters of the state of Utah;

WHEREAS this newly licensed disposal facility is at the same location as an existing uranium mill facility;

WHEREAS this existing facility has a history of contaminating nearby creeks and tributaries, the San Miguel River, and associated landscape;

WHEREAS a 1986 baseline study, prepared for the Office of the Attorney General for the state of Colorado, revealed significant contamination of the terrestrial and aquatic systems downgradient and

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downstream of the Uravan facility because of inadequate contaminant structures at the existing site and recommended remedial cleanup and removal of the hazardous materials which was initiated under the Superfund process;

WHEREAS the San Miguel River is a tributary of the Dolores River that flows into the state of Utah;

WHEREAS the Utah Geological Survey performed a geotechnical review of the proposed facility and concluded that the groundwater characterization of the site was inadequate and the location of the site within 100 feet of a cliff edge posed a concern since any catastrophic failure of the waste embankment could potentially result in nearly immediate contamination of the San Miguel River and subsequently the Dolores River in Utah;

WHEREAS the current site was not among the top 17 preferred sites when the state of Colorado was identifying sites for a low level radioactive waste disposal facility because of its failure to meet geotechnical parameters;

WHEREAS the location of the disposal facility in relationship to nearby canyons and rivers has the potential for severe erosion and poses contamination hazards to those downstream from the facility;

WHEREAS the facility has the potential to impact the groundwater and surface water of the state of Utah;

WHEREAS Governor Leavitt, former Governor Bangerter, and the legislative leadership have opposed the selection and use of this facility for disposal of radioactive materials;

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WHEREAS on January 21, 1994, the Speaker and Majority Leader of the Colorado House of Representatives wrote a letter to Colorado Governor Roy Romer expressing their concern about the siting of the Uravan facility and acknowledging that Utah's legitimate concerns and interests had been ignored; and

WHEREAS the state of Colorado should not authorize the disposal of additional wastes at the Uravan facility, which has a historical pattern of noncompliance that has damaged waters used by the citizens of the state of Utah:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein, express their deep concern over the licensing of this facility at the present site.

BE IT FURTHER RESOLVED that the Legislature and the Governor urge the Utah Division of Radiation Control to conduct a technical review, applicable to the permitting of commercial disposal of radioactive facilities in the state of Utah and in accordance with 10 C.F.R. Sec. 40 (1993) Appendix A and 10 C.F.R. Part 61 and applicable Utah standards for material to be received, and prepare a report which addresses whether or not the Uravan facility adequately protects the citizens and the waters of the state of Utah.

BE IT FURTHER RESOLVED that if the report concludes that the Uravan facility does not ensure protection of the citizens and waters of the state of Utah, that the state of Utah reserves the right to pursue appropriate legal remedies to challenge the licensing decision of the state of Colorado.

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BE IT FURTHER RESOLVED that the Legislature and the Governor urge the executive director of the Department of Environmental Quality to notify the state of Colorado of Utah's interest in having this multistate issue addressed by cooperative legislative efforts and in accordance with the Western States Regional Waste Management Protocol entered into by 21 Western Governors on July 21, 1991; and to forward a copy of the notice and response to the President of the Senate and the Speaker of the House of Representatives of the state of Utah.

BE IT FURTHER RESOLVED that the Speaker of the House and the President of the Senate work with the Colorado Legislature to organize a coalition of legislators, citizens, industry representatives, and regulatory personnel to address this issue.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Governor Roy Romer of Colorado, Speaker Chuck Berry and Majority Leader Tim Foster of the Colorado House of Representatives, the Utah Division of Radiation Control, the Utah Department of Environmental Quality, the Utah Geological Survey, and to Utah's congressional delegation.