

United States Nuclear Regulatory Commission  
Office of Public Affairs  
Washington, DC 20555  
Phone 301-415-8200 Fax 301-415-2234  
Internet: opa@nrc.gov

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NRC PROVIDES COMMENTS TO FISH AND WILDLIFE SERVICE ON ITS DRAFT  
OPINION  
ON CLEANUP PLAN FOR UTAH URANIUM MILL TAILINGS SITE

The Nuclear Regulatory Commission has notified the U.S. Fish and Wildlife Service that it has major concerns with the scientific basis for the Service's draft biological opinion on the proposed reclamation plan for the Atlas Corporation's uranium mill tailings site in Moab, Utah.

Atlas, an NRC licensee, proposes to stabilize its mill tailings on site. The NRC has not yet made a final determination on whether the Atlas plan is acceptable.

The Fish and Wildlife Service's draft opinion states that the Atlas Corporation's proposed action of reclaiming the mill tailings at their present location would jeopardize the continued existence of four endangered fish species in the Colorado River. In addition, the Fish and Wildlife Service's draft document says that relocation of the tailings to an alternate site outside the Colorado River floodplain is the only reasonable and prudent alternative to the proposed action.

In a letter transmitting NRC's comments on the draft, Carl Paperiello, Director of the NRC Office of Nuclear Material Safety and Safeguards, said the conclusions reached in the draft opinion are not fully supported by the material presented in the draft document. "In several instances," he wrote, "the draft Biological Opinion does not consider the scientific analysis and basis for findings documented by NRC in its supporting documents, or assumes the NRC findings to be incorrect, without providing a technical basis to refute those findings." He also wrote, "In at least once instance, scientific findings by two other Federal agencies, in addition to NRC, appear not to have been considered."

The NRC will base its decision on whether to approve Atlas Corporation's proposal for on-site reclamation on the results of two NRC staff evaluations: a technical evaluation report and a final environmental impact statement. The technical evaluation report, issued in March, found that the company's plan to

stabilize the tailings in place was technically acceptable and meets applicable federal standards. A draft environmental impact statement was issued for public comment in January 1996. It reached a preliminary conclusion that permanent disposal of tailings on site was acceptable with respect to environmental costs and benefits.

The Fish and Wildlife Service's biological opinion, when issued in final form, will be the last piece of information that NRC needs to complete its final environmental impact statement. NRC will make its final decision on the Atlas proposal once that statement is published.

A copy of the NRC's comments on the Fish and Wildlife draft opinion will be available at the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20555, and via an NRC web site at <http://www.nrc.gov/OPA/reports>.

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