

March 1, 2001

Mr. Ralph Morgenweck  
Regional Director  
U.S. Fish and Wildlife Service  
Post Office Box 25486  
Denver Regional Center  
Denver, Colorado 80225-0486

SUBJECT: WITHDRAWAL OF BIOLOGICAL OPINION FOR THE ATLAS TAILINGS SITE

Dear Mr. Morgenweck:

I have received your February 8, 2001 letter in which you advised the U.S. Nuclear Regulatory Commission (NRC) that the U.S. Fish and Wildlife Service (FWS) has withdrawn its July 29, 1998 final biological opinion for the reclamation of the former Atlas Corporation's mill tailings site near Moab, Utah. Your letter stated that the incidental take provisions of that biological opinion were also void.

By letter dated February 9, 2001 (copy enclosed), we informed the trustee/licensee, PricewaterhouseCoopers (PWC), of your action. We also advised PWC of its responsibility to continue to carry out measures required to protect public health and safety as well as to protect the environment, as provided in Materials License Number SUA-917 and the regulations in 10 CFR Part 40. These measures include routine monitoring of the air, ground water and the river, inspections of the site and tailings embankment, radiological monitoring and sampling of individuals, areas, and equipment, repairs and maintenance, and the appropriate reporting of those activities. NRC concludes that these activities will not result in adverse impacts to or take of endangered species.

If you have any questions, you can contact me at (301) 415-7212 or Myron Fliegel, NRC's Project Manager for the Moab Mill Site at (301) 415-6629 or [mhf1@nrc.gov](mailto:mhf1@nrc.gov).

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

**/RA/**

Michael F. Weber, Director  
Division of Fuel Cycle Safety and Safeguards  
Office of Nuclear Material Safety and Safeguards

Enclosure: Feb. 9, 2001 letter to K. Eastin  
cc: See attached list

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/RA/

Michael F. Weber, Director  
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Office of Nuclear Material Safety and Safeguards

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<b>DATE</b>	2/26/01		2/24/01		2/26/01		2/22/01		2/27/01		3/01/01		/	/01

This document should be made available to the PUBLIC 2/26/01

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