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**Date:** 08/24/2007 7:56:42 AM  
**Subject:** Fw: HMC/Moab Tailings Question

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----- Forwarded by Sairam Appaji/R6/USEPA/US on 08/24/2007 06:53 AM  
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Subject

Re: Fw: HMC/Moab Tailings  
Question

Thank you Mr. Appaji for your help in attaining this response from Mr. Linton.

To Mr. Linton and Mr. Von Till III at NRC, I would respond that HMC/Barrick Gold is NOT the only party responsible for the contamination and NRC should be working to see all responsible parties are helping resolve this problem,

since  
eventually taxpayers will be forced to pay whatever costs are not paid  
by the  
corporations who created the problem and reaped the profits in the first  
place.

Also, HMC/Barrick Gold is not providing adequate groundwater  
remediation and,  
in fact, the risks to public health and safety are increasing.

If the community and the licensee requested federal funds for removing  
the  
tailings pile, would the NRC work with the NAS and legislators to make  
that  
happen? If so, what would the first step be?

Sincerely,  
Candace Head-Dylla

>On Wed, 22 Aug 2007 07:35:08 -0500 Appaji.Sairam@epamail.epa.gov wrote:

>

>

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> Dear Ms. Dylla-Head,

>

> Please find below an email from Ron Linton, NRC explaining the  
> differences between the Moab Site in Utah and the HMC Site in NM. I  
> hope this provides some explanation regarding the remedial action at  
the  
> HMC Site.

>

> Thank you

>

> Sai Appaji

> Remedial Project Manager

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> ----- Forwarded by Sairam Appaji/R6/USEPA/US on 08/22/2007 07:27 AM

> -----

>

> "Ron Linton"

> <RCL1@nrc.gov>

>

To

> 08/21/2007 02:45 Sairam Appaji/R6/USEPA/US@EPA

> PM

cc

> "David Mayerson"

> <david.mayerson@state.nm.us>,

> "Jerry Schoeppner"

> <jerry.schoeppner@state.nm.us>

>

Subject

> HMC/Moab Tailings Question

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> Sai:

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> The following is from DOE's Revised Remedial Action Plan, Introduction  
> (ADAMS ML071940380). It discusses the background of the Moab decision  
> to move the tailings and laws/regs governing the site:

>

> "The Uranium Mill Tailings' Radiation Control Act (UMTRCA) (Title 42  
> United States Code

> Section 7901 et seq.) was passed in 1978 in response to public concern  
> regarding potential health

> hazards of long-term exposure to radiation from uranium mill tailings.

> Title I of UMTRCA

> provides for remediation of abandoned uranium mill tailings sites and  
> associated vicinity

> properties by the U.S. Department of Energy (DOE). DOE is required to  
> select and perform

> remedial actions in accordance with standards set by the U.S.

> Environmental Protection Agency

> (EPA) (Title 40 Code of Federal Regulations Part 192 [40 CFR 192],

> "Health and Environmental

> Protection Standards for Uranium and Thorium Mill Tailings") and with  
> the concurrence of the

> U.S. Nuclear Regulatory Commission (NRC). The selected remedial action  
> is documented by DOE

> in the Remedial Action Plan and Site Design for Stabilization of Moab  
> Title I Uranium Mill

> Tailings at the Crescent Junction, Utah, Disposal Site (RAP), which is  
> submitted to NRC for

> concurrence with the remedial action. NRC subsequently licenses the  
> completed disposal site.

>

> In October 2000, the Floyd D. Spence National Defense Authorization  
Act

- > (Act) for fiscal year
- > (FY) 2001 (Public Law 106-398) amended UMTRCA Title I (which expired in
- > 1998 for all other
- > sites except for ground water remediation and long-term radon
- > management), giving DOE
- > responsibility for remediation of the Moab, Utah, Processing Site.
- That
- > Act also mandated that the
- > Moab Processing Site be remediated in accordance with UMTRCA Title I
- > "subject to the
- > availability of appropriations for this purpose" and required that DOE
- > prepare a remediation plan
- > to evaluate the costs, benefits, and risks associated with various
- > remediation alternatives. The Act
- > further stipulated that the draft plan be presented to the National
- > Academy of Sciences (NAS) for
- > review. NAS was directed to provide "technical advice, assistance, and
- > recommendations" for
- > remediation of the Moab Processing Site. Under the act, the Secretary
- of
- > Energy was required to
- > consider NAS comments before making a final recommendation on the
- > selected remedy.
- > The DOE Preliminary Plan for Remediation (DOE 200 1) for the Moab Site
- > was completed in
- > October 2001 and forwarded to NAS. After reviewing the draft plan, NAS
- > provided a list of
- > recommendations on June 11, 2002, for DOE to consider during its
- > assessment of remediation
- > alternatives for the Moab Site. On December 20, 2002,. DOE published
- in
- > the Federal Register
- > (FR) a Notice of Intent (NOI) to prepare an Environmental Impact
- > Statement (EIS) for the Moab
- > Site remediation (67 FR 77969). As stated in the NOI, the EIS takes
- the
- > place of a final plan for
- > remediation for the purpose of supporting decision-making for
- > remediation of the Moab Site. DOE
- > has addressed the NAS recommendations in its internal scoping, in the
- > EIS (DOE 2005), and in
- > supporting documents.
- >
- > The preferred alternative for the site was selected in the Record of
- > Decision (ROD), which was
- > published in the FR on September 21, 2005 (70 FR 55358). The selected
- > alternative for surface
- > remediation was removal of tailings and associated residual
- radioactive
- > material (RRM) to a
- > disposal cell to be constructed near Crescent Junction, Utah (see
- > further discussion in
- > Section .1.1.3). Rail was selected as the mode of transportation for
- > tailings between the Moab Site
- > and Crescent Junction."

- >
- > The primary distinction here between HMC - Grants and Atlas/Moab is that
- > the Floyd D. Spence Defense Authorization Act conferred UMTRCA Title I
- > status on the Moab site and gave DOE authority to clean-up the site.
- At
- > the time the Act was passed, the licensee had gone into bankruptcy and
- > the trustee for the site had insufficient funds to complete reclamation.
- > As a result of the Act, funding to remove the tailings from Moab to
- > another site is being provided by the Federal government.
- >
- > HMC - Grants is a Title II site under UMTRCA and an NRC licensed site.
- > HMC is responsible for the clean-up and is operating under an NRC
- > approved reclamation plan where partial surface reclamation has occurred
- > and final surface stabilization will occur after groundwater remediation
- > is complete. Groundwater remediation is occurring. The reclamation
- > plan and remediation is designed to be protective of public health and
- > safety. The environmental clean-up is on going. The licensee has not
- > proposed moving the tailings and NRC has no basis to require it.
- >
- > There is currently no consideration of moving the tailing impoundment.
- >
- > Ron
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