

April 29, 1997

Mr. R. Bruce Rodgers, Chief
Division of Resource Management
Canyonlands & Arches National Parks
National Park Service
2282 S. West Resource Blvd.
Moab, Utah 84532

SUBJECT: SUMMARY OF APRIL 18, 1997, VIDEO CONFERENCE TO DISCUSS
NATIONAL PARK SERVICE COMMENTS ON THE PRELIMINARY FINAL
ENVIRONMENTAL IMPACT STATEMENT FOR THE ATLAS
RECLAMATION

Dear Mr. Rodgers:

Enclosed is a summary of the video conference held on April 18, 1997, to discuss National Park Service comments on the Nuclear Regulatory Commission's preliminary version of the "Final Environmental Impact Statement Related to Reclamation of the Uranium Mill Tailings at the Atlas Site, Moab, Utah." I think the video conference was helpful in pointing out weaknesses in our preliminary version. The associated revisions to be made to the FEIS will result in a better document.

If you have any questions please contact Dr. Myron Fliegel, NRC's project manager, at (301) 415-6629.

Sincerely,

(Original signed by)

Charles Cain, Acting Chief
Uranium Recovery Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-3453
Source Material License No. SUA-917

encl: Meeting Summary

cc: Participants

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Meeting Summary

Video Conference, April 18, 1997

1. Participants:

NRC, Rockville, MD
Myron Fliegel, NRC
Dan Gillen, NRC
Vijai Rai, DOI
Joe Holonich, NRC via telephone

ORNL, Oak Ridge, TN
Bob Reed, ORNL
Gerry Eddlemon, ORNL
Phil Walsh, ORNL

DOI, Denver, CO
Bruce Rogers, NPS
Roy Irwin, NPS
Dan Kimball, NPS
Mike Martin, NPS
Ronette Reisenburg, FWS via telephone

2. Objective of Video Conference:

Mike Fliegel initiated the conference by explaining that the Nuclear Regulatory Commission (NRC) was looking for comments on the Preliminary Final Environmental Impact Statement (pFEIS) from the National Park Service (NPS) in its role as a Cooperating Agency. The goals were to discuss NPS comments and attempt to reach agreement on ways to revise the FEIS to accommodate NPS. NRC and Oak Ridge National Laboratory (ORNL) would prepare a meeting summary after the conference to document NPS comments and points of agreement or disagreement on how to resolve the concerns.

3. NPS Comments and Resolution:

Prior to the video conference, NPS prepared and distributed an agenda, consisting of five items, to the participants.

a. Role of NPS as a Cooperating Agency

NPS was concerned that the Summary and Conclusions section of the pFEIS did not contain the caveat contained elsewhere in the document that NPS does not necessarily agree with the analyses and conclusions in the FEIS. Because some individuals will only read the Summary and Conclusions and sections of particular interest to them, it is important to include the caveat.

NRC stated this was an oversight and agreed to include the caveat in the first paragraph of the Summary and Conclusions where NPS is identified as a Cooperating Agency.

Enclosure

b. Contents of Summary and Conclusions Section

NPS felt that the Summary and Conclusions did not identify data limitations and uncertainties that are noted in the body of the document and that these need to be highlighted. Furthermore, NPS staff felt that the overall impression left by reading through the Summary and Conclusions was that all major issues had been resolved—NPS does not feel that NRC should paint such a rosy picture. NPS staff felt that NRC was putting "a twist" on the Summary and Conclusions which was "deceptive" to someone who only read this section. NPS wants a clear recognition up front that the data is limited. There was considerable discussion related to this issue.

NRC agreed to modify the Summary and Conclusions to address data limitations and uncertainties and add additional discussion of the affected environment.

NPS stated that the Summary and Conclusions did not reflect all of the potential adverse impacts identified in the body of the pFEIS and cited some examples. NPS staff agreed to provide a list of places in the body of the document where they had noted inconsistencies between the analyses and the conclusions.

NRC agreed to consider revising the Summary and Conclusions if it agreed that conclusions in the body of the pFEIS were not accurately reflected in the summary.

c. Use of the "River is Already Dirty" Argument throughout the Document

NPS felt that the pFEIS relied on the frequently used argument that since the river was already contaminated, additional contamination from the pile would not make much of a difference. NPS stated that this argument was contrary to the Clean Water Act. They felt that the resolution of this issue would be in the groundwater corrective action plan (CAP). Considerable discussion ensued about the use of MCLs and ACLs, as well as the 1000-year performance period. NPS stated that their concerns were related to management of resources in perpetuity, not just the next 1000 years. NRC stated that their evaluation was based on the governing regulations promulgated by EPA.

NRC disagreed with NPS on this issue because the analyses of existing contamination levels in the FEIS are provided as context for assessing the incremental impacts of the proposed action and alternatives. NRC agreed to review what has been written about the application of ACLs and MCLs and provide a clearer explanation as appropriate. NRC will continue to use the 1000-year performance period as required by regulations.

d. Lack of Characterization of Physical Contents of the Pile

NPS stated that there was insufficient information on the physical contents of the pile upon which to base an assessment of impacts. They expressed concern that the processes had changed over time and that no one knew what was in the pile. They were particularly concerned that there was no information on the solids in the pile. NPS staff stated that NRC was relying on incomplete and poor data and by so doing were putting a spin on the analysis that did not reflect the true impacts. NRC's position was that it knows what is in the pile to sufficient precision to support the conclusions in the FEIS. This is based on sampling of the tailings pond liquor and groundwater, knowledge of processes and ores used, information from the licensee on what was put in the pile, and comparisons with

other mill tailings. NPS suggested that a table be added to the FEIS (probably in Section 1) that would show comparative data from other piles and would support a discussion in the text of the similarities and differences of the Atlas pile to others.

NRC disagreed with the NPS on the need for additional characterization of the physical contents of the Atlas pile. NRC agreed to develop and incorporate in the FEIS, a comparative table and additional discussion on how the Atlas pile compares with others.

e. What is the Current Effect of the Tailings on the River (Including Effects on Water Quality and Aquatic Resources)?

NPS stated that there were insufficient data to draw definitive and reliable conclusions on the current effect that the tailings pile is having on the river. NPS staff were concerned about the size of the mixing zone and felt that some estimate should be included in the FEIS. They were concerned about the State's role in regulating water quality. NRC's position was that the FEIS is based on the best available data and that a considerable effort had been made to incorporate the recent data provided by the State, the licensee, and the FWS. NRC also indicated that the FEIS, the Biological Assessment, and the Supplement to the BA clearly identified data limitations and uncertainties.

NRC agreed with NPS that there were limitations and uncertainties associated with the data available for the FEIS, but NRC disagreed with the NPS that there was insufficient data available on which to base the FEIS assessment. NRC agreed to determine if there were a way to approximate the size of the mixing zone so that it could be presented in the FEIS to help the reader understand the distribution of contaminants in the river.

NRC also agreed to provide a discussion of the current conditions and impacts in the Colorado River, but would point out that it represents the impacts of the no-action alternative.

f. Other Issues

FWS and the NPS were concerned that the NEPA action was being fragmented in that the remediation of the pile was considered separately from the groundwater CAP. FWS staff wanted to know what Section 7 consultation would take place for the groundwater CAP. NRC stated that the FEIS analysis bounded the groundwater cleanup issue by presenting a worst case analysis for impacts on endangered and threatened species, and therefore the full range of actions was being considered. NRC stated that at this point it had not anticipated the need for further consultation under the Endangered Species Act. At the time that the licensee requests a modification to its groundwater CAP, NRC's decision will be supported either by a Categorical Exclusion or an Environmental Assessment. Additional consultation could take place at that point in the decision-making process. FWS staff indicated that additional consultation would be needed.

NPS raised the issue of potentially toxic contaminants within the mixing zone after reclamation and cited a statement in the pFEIS. NRC said that the statement was a conservative one, based on the fact that some constituents could still seep into the Colorado River after reclamation. Without performing further analysis, including modeling, NRC could not on a technical basis, state that there would not be a small mixing zone with potentially toxic levels of some constituents, if the cover was constructed as described in the

pFEIS. However, NRC stated that when considering the groundwater CAP, Atlas would have to show that its proposal was protective of health, safety, and the environment. If Atlas could not show that its current cover design would accomplish this, it would have to revise the design. NRC agreed to clarify the discussion of the mixing zone in the FEIS.

NPS asked whether cost of groundwater cleanup had been included in the cost-benefit comparison. NRC responded that costs of groundwater cleanup for moving the pile could be greater than for reclaiming it in place because all portions of the site would need to be cleaned to point-of-compliance standards. Section 5.3.3.9 of the pFEIS discusses this issue. NRC agreed to add further explanation in the FEIS of the difference in groundwater standards, and resulting groundwater cleanup costs, for the alternatives.

NPS was unclear about the environmental documentation that was reviewed on Title I sites. They did not find specific discussion of Title I baseline risk assessments in Section 4.5.2 that was cited on page A-12 in the response to comments. NRC agreed to review the response and modify as necessary. Subsequent review found that the cite to Section 4.5.2 was incorrect. The FEIS will be modified.