

106TH CONGRESS
1ST SESSION

H. R. 393

To amend the Uranium Mill Tailings Radiation Control Act of 1978 to provide for the remediation of the Atlas uranium milling site near Moab, Utah.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

Mr. GEORGE MILLER of California (for himself, Mr. FILNER, Ms. PELOSI, Mr. MCINNIS, and Mr. GUTIERREZ) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Uranium Mill Tailings Radiation Control Act of 1978 to provide for the remediation of the Atlas uranium milling site near Moab, Utah.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REMEDIATION OF ATLAS SITE.**

4 Section 102(e) of the Uranium Mill Tailings Radi-
5 ation Control Act of 1978 (42 U.S.C. 7912(e); (relating
6 to processing site designations)) is amended by adding the
7 following new paragraph at the end thereof:

8 “(4)(A) The Secretary shall designate as a processing
9 site within the meaning of section 101(6) the Atlas ura-

1 nium milling site (hereafter in this paragraph referred to
2 as the ‘Atlas Site’) located approximately 3 miles north-
3 west of Moab, Utah, and identified in the Draft Environ-
4 mental Impact Statement issued in January, 1996, in con-
5 nection with Source Material License No. SUA 917 by the
6 U.S. Nuclear Regulatory Commission, Office of Nuclear
7 Material Safety and Safeguards. The provisions of this
8 Act shall apply to the site so designated in the same man-
9 ner and to the same extent as to the sites designated
10 under subsection (a) of this section, except that in apply-
11 ing such provisions to the Atlas Site—

12 “(i) subsection (a) of section 112 (relating to
13 termination of the authority of the Secretary) shall
14 not apply;

15 “(ii) any reference in this Act to the date of the
16 enactment of this Act shall be treated as a reference
17 to the date of the enactment of this paragraph;

18 “(iii) in determining the Federal share of the
19 cost of the remedial action under section 107, 100
20 percent shall be substituted for 90 percent; and

21 “(iv) the Secretary, without regard to section
22 104(b) (relating to disposition and stabilization sites
23 for residual radioactive materials), shall remove re-
24 sidual radioactive material from the Atlas Site and
25 from the associated flood plain of the Colorado River

1 for permanent disposition and stabilization of such
2 residual radioactive material in a safe and environ-
3 mentally sound manner.

4 “(B) As promptly as practicable after the enactment
5 of this paragraph, the Attorney General shall undertake
6 the studies required under subsection (b) of section 115
7 (relating to owner liability) with respect to the Atlas Site
8 and the associated flood plain of the Colorado River and
9 take such action as may be necessary in accordance with
10 such subsection to require the owner or operator of the
11 Atlas Site, and any other person liable for the costs of
12 remedial action at such site and the associated flood plain
13 of the Colorado River, to reimburse the United States for
14 all or part of the costs of such remedial action.

15 “(C) Notwithstanding section 1001(a) of the Energy
16 Policy Act of 1992 (42 U.S.C. 2296a(a)) (relating to li-
17 ability for costs of remedial action at active processing
18 sites), the current owner or operator of the Atlas Site and
19 any other person determined to be liable for the costs of
20 remedial action at the Atlas Site and the associated flood
21 plain of the Colorado River shall be relieved of all further
22 responsibility for such costs if—

23 “(i) all existing surety bonds or other instru-
24 ments securing the performance of remedial action
25 have been transferred to the Secretary;

1 “(ii) fee simple title to the entire Atlas Site
2 (consisting of 437 acres more or less) and all water
3 rights appurtenant thereto have been transferred to
4 the Secretary;

5 “(iii) the owner or operator, respectively, re-
6 leases and surrenders to the Secretary all existing
7 and future rights to receive reimbursement for costs
8 of remedial action under section 1001(b) of the En-
9 ergy Policy Act of 1992; and

10 “(iv) the owner, operator, or other liable person,
11 reimburses the United States for that portion of the
12 total cost of the remedial action required by clause
13 (iv) of subparagraph (A) of this paragraph for which
14 the Attorney General determines the owner, opera-
15 tor, or other liable person, respectively, is liable,
16 minus the value attributable to the owner, operator,
17 or other liable person of the asset transferred or re-
18 leased and surrendered to the Secretary in accord-
19 ance with clauses (i), (ii), and (iii) of this subpara-
20 graph.

21 Upon such transfers, release and surrender, and reim-
22 bursement Source Material License No. SUA 917 shall be
23 terminated.

24 “(D) After the removal of radioactive materials from
25 the Atlas Site and from the associated flood plain of the

1 Colorado River, the Secretary, with the concurrence of the
2 Commission, may sell any lands and interests acquired in
3 the Atlas Site or donate such lands and interests to a gov-
4 ernmental entity within the State of Utah for permanent
5 use for park, recreational, or other public purposes.”.

