



# State of Utah

## DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF THE EXECUTIVE DIRECTOR

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November 30, 1999

Myron H. Fliegel  
Uranium Recovery Branch  
Division of Waste Management  
Nuclear Regulatory Commission  
Washington, D.C. 20005-0001

Dear Mr. Fliegel:

Enclosed is an agreement which will govern stakeholder dialogue regarding the reclamation of the Atlas mill tailings site in Moab, Utah. I appreciate the efforts of legal counsel for the Nuclear Regulatory Commission, the Department of Justice, the Department of Interior, city, county and citizen groups in resolving these issues related to our future discussions.

If you have any concerns, please let me know. It is my understanding that Mr. Battle and Mr. Wagel will respond to this letter acknowledging the agreement on behalf of their clients.

I look forward to our stakeholder next meeting, which is scheduled in Moab on Wednesday, January 12, 2000 from noon until 4:00 p.m..

Best regards,

A handwritten signature in cursive script, appearing to read "Dianne".

Dianne R. Nielson, Ph.D.  
Executive Director

enclosure

**AGREEMENT REGARDING THE ATLAS  
STAKEHOLDER DIALOGUE**

November 15, 1999

**1. BACKGROUND AND PURPOSE**

This agreement relates to the ongoing Dialogue between city, county state, federal and citizen group stakeholders regarding the reclamation of the Atlas mill tailings site in Moab, Utah. The purpose of this agreement is to set forth certain understandings the parties have reached concerning the conduct of the Dialogue.

**2. DECISION MAKING AUTHORITY**

The parties and other participants reserve final decision making responsibility apart from the Dialogue. For example, the NRC, the EPA and the State have various regulatory authorities that they must uphold. Citizen groups maintain their right to pursue lawsuits and administrative proceedings. All parties recognize that these rights and responsibilities are not diminished by participating in the Dialogue process.

**3. REPRESENTATION**

Although many stakeholders are affiliated with agencies or organizations, it is presumed that comments during the Dialogue meetings should not be assumed to be an official organizational position unless so stated. Ideas raised by stakeholders are for discussion purposes only and should not be construed to reflect the position of the stakeholder unless stated otherwise.

**4. DIALOGUE-RELATED COMMUNICATIONS**

All stakeholders agree that Communications by the parties to the Dialogue shall be exempt from discovery, disclosure or use in any lawsuit or administrative proceeding to the same extent as settlement discussions under Rule 408 of the Federal Rules of Civil Procedure. The parties agree that any factual information that would not otherwise be exempt from discovery, disclosure or use in a lawsuit or administrative proceeding will not be exempt because it is part of or forms the basis for communications in the Dialogue. The term "Dialogue Communications" is intended to have the broadest scope necessary to support the principle of free and open exchanges of views and information. It shall be construed to the broadest extent consistent with federal and state law, if necessary. The scope of this protection shall include the facilitators and their respective organizations.