

NUCLEAR REGULATORY COMMISSION

DOCKET NO. 40-8681

ENERGY FUELS NUCLEAR, INC.

AGENCY: Nuclear Regulatory Commission

ACTION: Final Finding of No Significant Impact
Notice of Opportunity for Hearing

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) proposes to renew NRC Source Material License SUA-1358 to authorize the licensee, Energy Fuels Nuclear, Inc. (EFN), for continued commercial operation of the White Mesa uranium mill, located near Blanding, Utah. An Environmental Assessment was performed by the NRC staff in accordance with the requirements of 10 CFR Part 51. The conclusion of the Environmental Assessment is a Finding of No Significant Impact (FONSI) for the proposed licensing action.

FOR FURTHER INFORMATION CONTACT: Mr. James K. Park, Uranium Recovery Branch, Mail Stop TWFN 7-J9, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone 301/415-6699.

SUPPLEMENTARY INFORMATION:

Background

Source Material License SUA-1358 was originally issued by NRC on August 7, 1979, pursuant to Title 10, Code of Federal Regulations (10 CFR), Part 40, Domestic Licensing of Source Material. This license currently

authorizes EFN to (1) receive, acquire, possess, and transfer uranium at the White Mesa mill, (2) possess byproduct material in the form of uranium waste tailings and other uranium byproduct waste generated by operations at the mill, and (3) accept, for disposal, limited amounts of byproduct material from in-situ leach (ISL) uranium mining facilities. The mill was operated on a continual basis from May 1980 until February 1983, and then intermittently from October 1985 to the present time. SUA-1358 was renewed last in 1985.

Summary of the Environmental Assessment

The NRC staff performed an appraisal of the environmental impacts associated with the continued operation of the White Mesa mill, in accordance with 10 CFR Part 51, Licensing and Regulatory Policy Procedures for Environmental Protection. In conducting its appraisal, the NRC staff considered the following: (1) information contained in previous environmental evaluations of the White Mesa project; (2) information contained in EFN's license renewal application; (3) information contained in EFN's license amendment requests submitted subsequent to its renewal application, and NRC staff approvals of such requests; (4) land use and environmental monitoring reports; and (5) information derived from NRC staff site visits and inspections of the White Mesa mill site and from communications with EFN and the State of Utah Department of Environmental Quality. The results of the staff's appraisal are documented in an Environmental Assessment. The safety aspects for the continued operation of the mill are discussed in a Safety Evaluation Report.

The license renewal would authorize EFN to continue operating the White Mesa mill, at a maximum production rate of 4380 tons of yellowcake per year. Additionally, EFN would continue to be authorized, by license condition, to (1) possess byproduct material in the form of uranium waste tailings and other uranium byproduct waste generated by its milling operations authorized by the renewal license, and (2) accept, for disposal, limited amounts of byproduct material from ISL uranium mining facilities.

All conditions in the renewal license and commitments presented in the licensee's license renewal application are subject to NRC inspection. Violation of the license may result in enforcement action.

Conclusions

The NRC staff has reexamined actual and potential environmental impacts associated with continued yellowcake production at the mill site, and has determined that renewal of the source material license (1) will be consistent with requirements of 10 CFR Part 40, (2) will not be inimical to the public health and safety, and (3) will not have long-term detrimental impacts on the environment. The following statements support the FONSI and summarize the conclusions resulting from the staff's environmental assessment:

1. An acceptable environmental sampling program is in place to monitor effluent releases and to detect if appropriate limits are exceeded;
2. The licensee has implemented an intensive, routine inspection program of the mill process building, associated facilities, and tailings retention impoundments, and conducts an annual "as low as is reasonable achievable" (ALARA) audit program;

3. Standard operating procedures are in place for all operational process activities involving radioactive materials that are handled, processed, or stored;
4. Mill tailings and process liquid effluents from the mill circuit are discharged to partially below-grade, lined tailings impoundments, with leak detection systems;
5. The licensee will implement an acceptable groundwater detection monitoring program to ensure compliance with the requirements of 10 CFR Part 40, Appendix A;
6. The licensee will conduct site decommissioning and reclamation activities in accordance with NRC-approved plans; and
7. Because the staff has determined that there will be no significant impacts associated with approval of the license renewal, there can be no disproportionately high and adverse effects or impacts on minority and low-income populations. Consequently, further evaluation of 'Environmental Justice' concerns, as outlined in Executive Order 12898 and NRC's Office of Nuclear Material Safety and Safeguards Policy and Procedures Letter 1-50, Rev.1, is not warranted.

Alternatives to the Proposed Action

The proposed action is to renew NRC Source Material License SUA-1358, for continued operation of the White Mesa mill, as requested by EFN. Therefore, the principal alternatives available to NRC are to:

- (1) Renew the license with such conditions as are considered necessary or appropriate to protect public health and safety and the environment; or
- (2) Deny renewal of the license.

Based on its review, the NRC staff has concluded that there are no significant environmental impacts associated with the proposed action; therefore, any alternatives with equal or greater environmental impacts need not be evaluated. Since the environmental impacts of the proposed action and the no-action alternative (i.e., denial of the renewal) are similar, there is no need to further evaluate alternatives to the proposed action.

FINDING OF NO SIGNIFICANT IMPACT

The NRC staff has prepared an Environmental Assessment for the proposed renewal of NRC Source Material License SUA-1358. On the basis of this assessment, the NRC staff has concluded that the environmental impacts that may result from the proposed action would not be significant, and therefore, preparation of an Environmental Impact Statement is not warranted.

The Environmental Assessment and other documents related to this proposed action are available for public inspection and copying at the NRC Public Document Room, in the Gelman Building, 2120 L Street N.W., Washington, DC 20555.

Notice of Opportunity for Hearing

The Commission hereby provides notice that this is a proceeding on an application for a licensing action falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings, of the Commission's Rules of Practice for Domestic Licensing Proceedings in 10 CFR Part 2" (54 FR 8269). Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for a hearing must be filed within thirty (30) days from the date of publication of this FEDERAL REGISTER notice. The request for a hearing must be filed with the Office of the Secretary either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Each request for a hearing must also be served, by delivering it personally or by mail to:

(1) The applicant, Energy Fuels Nuclear, Inc., 1515 Arapahoe Street, Suite 900, Denver, CO 80202;

(2) The NRC staff, by delivery to the Executive Director of Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail

addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

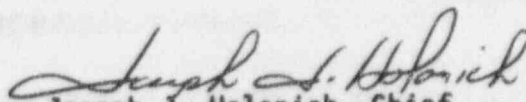
In addition to meeting other applicable requirements of 10 CFR Part 2 of the Commission's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

- (1) The interest of the requestor in the proceeding;
- (2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);
- (3) the requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and
- (4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

Any hearing that is requested and granted will be held in accordance with the Commission's Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings in 10 CFR Part 2, Subpart L.

Dated at Rockville, Maryland, this *26th* day of February 1997.

FOR THE NUCLEAR REGULATORY COMMISSION


Joseph J. Holonich, Chief
Uranium Recovery Branch
Division of Waste Management
Office of Nuclear Material
Safety and Safeguards