

NUCLEAR REGULATORY COMMISSION

DOCKET NOS. 40-8681, 40-9024

ENERGY FUELS NUCLEAR, INC.

AGENCY: Nuclear Regulatory Commission

ACTION: Notice of Opportunity for Hearing

SUMMARY: Notice is hereby given that Energy Fuels Nuclear, Inc. (EFN) has requested U.S. Nuclear Regulatory Commission approval for the transfer of NRC Source Material License Nos. SUA-1358 and SUA-1558, for the White Mesa uranium mill and the Reno Creek facility, respectively, to International Uranium (USA) Corporation. EFN's request was transmitted to NRC by letter dated December 31, 1996. The NRC staff is in the process of reviewing the request.

FOR FURTHER INFORMATION CONTACT: Mr. James R. 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:

Section 184 of the Atomic Energy Act of 1954, as amended, states, in part, that no license granted under the Atomic Energy Act of 1954, as amended, can be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full

information, find that the transfer is in accordance with the provisions of the Atomic Energy Act of 1954, as amended, and shall give its consent in writing. Section 40.41(b) of the Commission's regulations, in Title 10 of the Code of Federal Regulations (CFR), states that neither the license, nor any right under the license, can be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954, as amended. Section 40.46 of the Commission's regulations requires, in part, the Commission's consent in writing to any transfer of control of a license. In addition, 10 CFR 40.51(a) provides that no licensee shall transfer source or byproduct material except as authorized pursuant to that section, while 10 CFR 40.51(b)(5) provides, in part, that a licensee may transfer source or byproduct material to any person authorized to receive such material under terms of a specific or general license issued by the Commission.

EFN's letter requesting the proposed action, and the accompanying supporting information, 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 24 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